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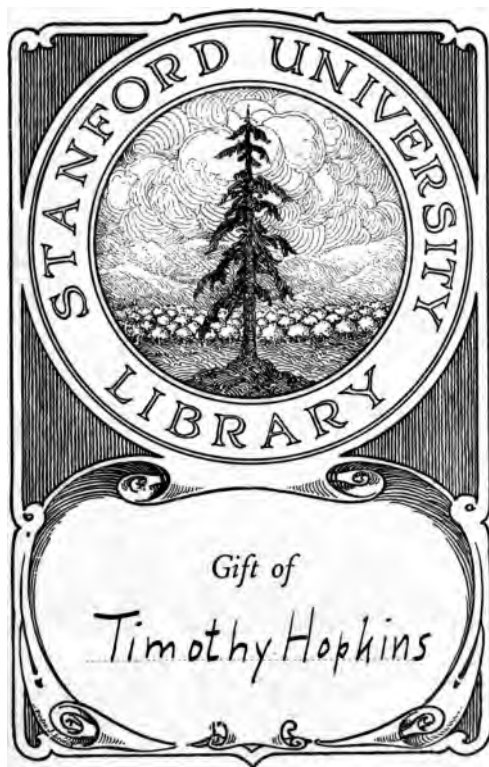
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THE  
HISTORY  
OF  
THE DECLINE AND FALL  
OF THE  
ROMAN EMPIRE.

BY  
EDWARD GIBBON, ESQ.

*With Notes,*

BY THE REV. H. H. MILMAN,  
PREBENDARY OF ST. PETER'S, AND RECTOR OF ST. MARGARET'S, WESTMINSTER.

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THE  
HISTORY  
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THE DECLINE AND FALL  
OF THE  
ROMAN EMPIRE.

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CHAPTER XXXIX.

ZENO AND ANASTASIUS, EMPERORS OF THE EAST.—BIRTH, EDUCATION, AND FIRST EXPLOITS OF THEODORIC THE OSTROGOTH.—HIS INVASION AND CONQUEST OF ITALY.—THE GOTHIC KINGDOM OF ITALY.—STATE OF THE WEST.—MILITARY AND CIVIL GOVERNMENT.—THE SENATOR BOETHIUS.—LAST ACTS AND DEATH OF THEODORIC.

AFTER the fall of the Roman empire in the West, an interval of fifty years, till the memorable reign of Justinian, is faintly marked by the obscure names and imperfect annals of Zeno, Anastasius, and Justin, who successively ascended to the throne of Constantinople. During the same period, Italy revived and flourished under the government of a Gothic king, who might have deserved a statue among the best and bravest of the ancient Romans.

Theodoric the Ostrogoth, the fourteenth in lineal descent of the royal line of the Amali,<sup>1</sup> was born in the neighborhood of

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<sup>1</sup> Jornandes (*de Rebus Geticis*, c. 13, 14, p. 629, 630, edit. Grot.) has drawn the pedigree of Theodoric from Gapt, one of the *Amases* or *Demi-gods*, who lived about the time of Domitian. Cassiodorus, the first who celebrates the royal race of the Amali, (*Viriar.* viii. 5, ix. 25, vol. iv.—A

Vienna<sup>2</sup> two years after the death of Attila.<sup>†</sup> A recent victory had restored the independence of the Ostrogoths; and the three brothers, Walamir, Theodemir, and Widimir, who ruled that warlike nation with united counsels, had separately pitched their habitations in the fertile though desolate province of Pannonia. The Huns still threatened their revolted subjects, but their hasty attack was repelled by the single forces of Walamir, and the news of his victory reached the distant camp of his brother in the same auspicious moment that the favorite concubine of Theodemir was delivered of a son and heir. In the eighth year of his age, Theodoric was reluctantly yielded by his father to the public interest, as the pledge of an alliance which Leo, emperor of the East, had consented to purchase by an annual subsidy of three hundred pounds of gold. The royal hostage was educated at Constantinople with care and tenderness. His body was formed to all the exercises of war, his mind was expanded by the habits of liberal conversation; he frequented the schools of the most skillful masters; but he disdained or neglected the arts of Greece, and so ignorant did he always remain of the first elements of science, that a rude mark was contrived to represent the signature of the illiterate king of Italy.<sup>3</sup> As soon as he had attained the age of eighteen, he was restored to the

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x. 2, xi. 1,) reckons the grandson of Theodoric as the xviii<sup>th</sup> in descent. Peringsciold (the Swedish commentator of Cochlæus, Vit. Theodoric. p. 271, &c., Stockholm, 1699) labors to connect this genealogy with the legends or traditions of his native country.\*

<sup>2</sup> More correctly on the banks of the Lake Pelso, (Niesiedler-see,) near Carnuntum, almost on the same spot where Marcus Antoninus composed his meditations, (Jornandes, c. 52, p. 659. Severin. Pannonia Illustrata, p. 22. Cellarius, Geograph. Antiq. (tom. i. p. 350.)

<sup>3</sup> The four first letters of his name (ΘΕΟΔ) were inscribed on a gold plate, and when it was fixed on the paper, the king drew his pen through the intervals (Anonym. Valesian. ad calcem Amm. Marcellin. p. 722.) This authentic fact, with the testimony of Procopius, or at

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\* Amala was a name of hereditary sanctity and honor among the Visigoths. It enters into the names of Amalaberga, Amala sinitha, (swinthei means strength,) Amalafred, Amalarich. In the poem of the Nibelungen written three hundred years later, the Ostrogoths are called the Amilungon. According to Wachter it means, unstained, from the privative a, and malo a stain. It is pure Sanscrit, Amala, immaculatus. Schlegel. Indische Bibliothek, 1. p. 233.—M.

† The date of Theodoric's birth is not accurately determined. We can hardly err: observes Manso in placing it between the years 453 and 456. Manso, Geschichte des Ost Gothischen Reichs, p. 14.—M.

wishes of the Ostrogoths, whom the emperor aspired to gain by liberality and confidence. Walamir had fallen in battle; the youngest of the brothers, Widimir, had led away into Italy and Gaul an army of Barbarians, and the whole nation acknowledged for their king the father of Theodoric. His ferocious subjects admired the strength and stature of their young prince;<sup>4</sup> and he soon convinced them that he had not degenerated from the valor of his ancestors. At the head of six thousand volunteers, he secretly left the camp in quest of adventures, descended the Danube as far as Singidunum, or Belgrade, and soon returned to his father with the spoils of a Sarmatian king whom he had vanquished and slain. Such triumphs, however, were productive only of fame, and the invincible Ostrogoths were reduced to extreme distress by the want of clothing and food. They unanimously resolved to desert their Pannonian encampments, and boldly to advance into the warm and wealthy neighborhood of the Byzantine court, which already maintained in pride and luxury so many bands of confederate Goths. After proving, by some acts of hostility, that they could be dangerous, or at least troublesome, enemies, the Ostrogoths sold at a high price their reconciliation and fidelity, accepted a donative of lands and money, and were intrusted with the defence of the Lower Danube, under the command of Theodoric, who succeeded after his father's death to the hereditary throne of the Amali.<sup>5</sup>

A hero, descended from a race of kings, must have despised the base Isaurian who was invested with the Roman purple, without any endowment of mind or body, without any advantages of royal birth, or superior qualifications. After

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least of the contemporary Goths, (Gothic. l. i. c. 2, p. 311,) far outweighs the vague praises of Ennodius (Sirmond. Opera, tom. i. p. 1596) and Theophanes, (Chronograph. p. 112.)\*

<sup>4</sup> *Statura est quæ resigmet proceritate regnantem*, (Ennodius, p. 1614.) The bishop of Pavia (I mean the ecclesiastic who wished to be a bishop) then proceeds to celebrate the complexion, eyes, hands, &c, of his sovereign.

<sup>5</sup> The state of the Ostrogoths, and the first years of Theodoric, are found in Jornandes, (c. 52—56, p. 689—696) and Malchus, (Excerpt. Legat. p. 78—80,) who erroneously styles him the son of Walamir.

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\* Le Beau and his Commentator, M. St. Martin, support, though with very satisfactory evidence, the opposite opinion. But Lord Mahon (Life of Belisarius, p. 19) urges the much stronger argument, the Byzantine education of Theodoric.—M.

the failure of the Theodosian life, the choice of Pulcheria and of the senate might be justified in some measure by the characters of Martin and Leo, but the latter of these princes confirmed and dishonored his reign by the perfidious murder of Aspar and his sons, who too rigorously exacted the debt of gratitude and obedience. The inheritance of Leo and of the East was peaceably devolved on his infant grandson, the son of his daughter Ariadne; and her Isaurian husband, the fortunate Trascalisseus, exchanged that barbarous sound for the Grecian appellation of Zeno. After the decease of the elder Leo, he approached with unnatural respect the throne of his son, humbly received, as a gift, the second rank in the empire, and soon excited the public suspicion on the sudden and premature death of his young colleague, whose life could no longer promote the success of his ambition. But the palace of Constantinople was ruled by female influence, and agitated by female passions: and Verina, the widow of Leo, claiming his empire as her own, pronounced a sentence of deposition against the worthless and ungrateful ~~servant~~ on whom she alone had bestowed the sceptre of the East.\* As soon as she sounded a revolt in the ears of Zeno, he fled with precipitation into the mountains of Isauria, and her brother Basiliscus, already infamous by his African expedition,<sup>†</sup> was unanimously proclaimed by the servile senate. But the reign of the usurper was short and turbulent. Basiliscus presumed to assassinate the lover of his sister; he dared to offend the lover of his wife, the vain and insolent Harmatius, who, in the midst of Asiatic luxury, affected the dress, the demeanor, and the surname of Achilles.<sup>‡</sup> By the conspiracy of the malecontents, Zeno was recalled from exile; the armies, the capital, the person, of Basiliscus, were betrayed; and his whole family was condemned to the long agony of cold and hunger by the inhuman conqueror, who wanted courage to encounter or to forgive his enemies.\* The haughty spirit of

\* Theophanes (p. 111) inserts a copy of her *sacred* letters to the provinces; *ὅτε δὲ τὸ βασιλεῖον ἡμέτερόν ἐστι . . . καὶ ὅτι προχειροτάμεθα βασιλεὺς Τρασαλλισαίων*, &c. Such female pretensions would have astonished the slaves of the *first* Cæsars.

<sup>†</sup> Vol. iii. p. 504—508.

<sup>‡</sup> Suidas, tom. i. p. 332, 333, edit. Kuster.

\* Joannes Lydus accuses Zeno of timidity, or, rather, of cowardice; he purchased an ignominious peace from the enemies of the empire, whom he

Verina was still incapable of submission or repose. She provoked the enmity of a favorite general, embraced his cause as soon as he was disgraced, created a new emperor in Syria and Egypt,\* raised an army of seventy thousand men, and persisted to the last moment of her life in a fruitless rebellion, which, according to the fashion of the age, had been predicted by Christian hermits and Pagan magicians. While the East was afflicted by the passions of Verina, her daughter Ariadne was distinguished by the female virtues of mildness and fidelity; she followed her husband in his exile, and after his restoration, she implored his clemency in favor of her mother. On the decease of Zeno, Ariadne, the daughter, the mother, and the widow of an emperor, gave her hand and the Imperial title to Anastasius, an aged domestic of the palace, who survived his elevation above twenty-seven years, and whose character is attested by the acclamation of the people, "Reign as you have lived!"\*†

Whatever fear or affection could bestow, was profusely lavished by Zeno on the king of the Ostrogoths; the rank of patrician and consul, the command of the Palatine troops, an equestrian statue, a treasure in gold and silver of many thousand pounds, the name of son, and the promise of a rich and honorable wife. As long as Theodoric condescended to serve, he supported with courage and fidelity the cause of his benefactor; his rapid march contributed to the restoration of Zeno; and in the second revolt, the *Walamirs*, as they were called,

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\* The contemporary histories of Malchus and Candidus are lost; but some extracts or fragments have been saved by Photius, (lxxviii. lxxix. p. 100—102,) Constantine Porphyrogenitus, (Excerpt. Leg. p. 78—97,) and in various articles of the Lexicon of Suidas. The Chronicles of Marcellinus (*Imago Historiæ*) are originals for the reigns of Zeno and Anastasius; and I must acknowledge, almost for the first time, my obligations to the large and accurate collections of Tillemont, (*Hist. des Emp.* tom. vi. p. 472—652).

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dared not meet in battle; and employed his whole time at home in confiscations and executions. Lydus, de Magist. iii. 45, p. 230.—M.

\* Named Illus.—M.

† The Panegyri: of Procopius of Gaza, (edited by Villoison in his *Anecdota Græca*, and reprinted in the new edition of the Byzantine historians by Niebuhr, in the same vol. with Dexippus and Eunapius, viii. p. 498, 516,) was unknown to Gibbon. It is vague and pedantic, and contains few facts. The same criticism will apply to the poetical panegyric of Priscian, edited from the MS. of Bobbio by Ang. Mai. Priscian, the grammarian, Niebuhr argues from this work, must have been born in the Afiſſina, not in either of the Asiatic Cæsareas. Pref. p. xi.—M.



pursued and pressed the Asiatic rebels, till they left an easy victory to the Imperial troops.<sup>10</sup> But the faithful servant was suddenly converted into a formidable enemy, who spread the flames of war from Constantinople to the Adriatic; many flourishing cities were reduced to ashes, and the agriculture of Thrace was almost extirpated by the wanton cruelty of the Goths, who deprived their captive peasants of the right hand that guided the plough.<sup>11</sup> On such occasions, Theodoric sustained the loud and specious reproach of disloyalty, of ingratitude, and of insatiate avarice, which could be only excused by the hard necessity of his situation. He reigned, not as the monarch, but as the minister of a ferocious people, whose spirit was unbroken by slavery, and impatient of real or imaginary insults. Their poverty was incurable; since the most liberal donatives were soon dissipated in wasteful luxury, and the most fertile estates became barren in their hands; they despised, but they envied, the laborious provincials; and when their subsistence had failed, the Ostrogoths embraced the familiar resources of war and rapine. It had been the wish of Theodoric (such at least was his declaration) to lead a peaceful, obscure, obedient life on the confines of Scythia, till the Byzantine court, by splendid and fallacious promises, seduced him to attack a confederate tribe of Goths, who had been engaged in the party of Basiliscus. He marched from his station in Mæsia, on the solemn assurance that before he reached Adrianople, he should meet a plentiful convoy of provisions, and a reënfacement of eight thousand horse and thirty thousand foot, while the legions of Asia were encamped at Heraclea to second his operations. These measures were disappointed by mutual jealousy. As he advanced into Thrace, the son of Theodemir found an inhospitable solitude, and his Gothic followers, with a heavy train of horses, of mules, and of wagons, were betrayed by their guides among

<sup>10</sup> In *ipsis congressionis tuæ foribus cessit invasor, cum profugo per te sceptra redderentur de salute dubitanti*. Ennodius then proceeds (p. 1596, 1597, tom. i. Sirmond.) to transport his hero (on a flying dragon) into Æthiopia, beyond the tropic of Cancer. The evidence of the Valesian Fragment, (p. 717,) Liberatus, (Brev. Eutyph. c. 25 p. 113,) and Theophanes, (p. 112,) is more sober and rational.

<sup>11</sup> This cruel practice is specially imputed to the *Triarian* Goths, less barbarous, as it should seem, than the *Walamirs*; but the son of Theodemir is charged with the ruin of many Roman cities, (Malchus Excerpt. Leg. p. 95.)

the rocks and precipices of Mount Sondis, where he was assaulted by the arms and invectives of Theodoric the son of Triarius. From a neighboring height, his artful rival harangued the camp of the *Walamirs*, and branded their leader with the opprobrious names of child, of madman, of perjured traitor, the enemy of his blood and nation. "Are you ignorant," exclaimed the son of Triarius, "that it is the constant policy of the Romans to destroy the Goths by each other's swords? Are you insensible that the victor in this unnatural contest will be exposed, and justly exposed, to their implacable revenge? Where are those warriors, my kinsmen and thy own, whose widows now lament that their lives were sacrificed to thy rash ambition? Where is the wealth which thy soldiers possessed when they were first allured from their native homes to enlist under thy standard? Each of them was then master of three or four horses; they now follow thee on foot, like slaves, through the deserts of Thrace; those men who were tempted by the hope of measuring gold with a bushel, those brave men who are as free and as noble as thyself." A language so well suited to the temper of the Goths excited clamor and discontent; and the son of Theodemir, apprehensive of being left alone, was compelled to embrace his brethren, and to imitate the example of Roman perfidy.<sup>12</sup> \*

In every state of his fortune, the prudence and firmness of Theodoric were equally conspicuous; whether he threatened Constantinople at the head of the confederate Goths, or retreated with a faithful band to the mountains and sea-coast of Epirus. At length the accidental death of the son of Triarius<sup>13</sup> destroyed the balance which the Romans had been

<sup>12</sup> Jornandes (c. 56, 57, p. 696) displays the services of Theodoric, confesses his rewards, but dissembles his revolt, of which such curious details have been preserved by Malchus, (Excerpt. Legat. p. 78—97.) Marcellinus, a domestic of Justinian, under whose 17th consulship (A. D. 534) he composed his Chronicle, (Scaliger, *Thesaurus Temporum*, P. ii. p. 34—57,) betrays his prejudice and passion: in Græciam debacchanter . . . Zenonis munificentia pene pacatus . . . beneficiis nunquam satiatus, &c.

<sup>13</sup> As he was riding in his own camp, an unruly horse threw him

\* Gibbon has omitted much of the complicated intrigues of the Byzantine court with the two Theodorics. The weak emperor attempted to play them one against the other, and was himself in turn insulted, and the empire ravaged, by both. The details of the successive alliance and revolt, of hostility and of union, between the two Gothic chieftains, to dictate terms to the emperor, may be found in Malchus.—M.

so anxious to preserve, the whole nation acknowledged the supremacy of the Amali, and the Byzantine court subscribed an ignominious and oppressive treaty.<sup>14</sup> The senate had already declared, that it was necessary to choose a party among the Goths, since the public was unequal to the support of their united forces; a subsidy of two thousand pounds of gold, with the ample pay of thirteen thousand men, were required for the least considerable of their armies;<sup>15</sup> and the Isaurians, who guarded not the empire but the emperor, enjoyed, besides the privilege of rapine, an annual pension of five thousand pounds. The sagacious mind of Theodoric soon perceived that he was odious to the Romans, and suspected by the Barbarians: he understood the popular murmur, that his subjects were exposed in their frozen huts to intolerable hardships, while their king was dissolved in the luxury of Greece, and he prevented the painful alternative of encountering the Goths, as the champion, or of leading them to the field, as the enemy, of Zeno. Embracing an enterprise worthy of his courage and ambition, Theodoric addressed the emperor in the following words: "Although your servant is maintained in affluence by your liberality, graciously listen to the wishes of my heart! Italy, the inheritance of your predecessors, and Rome itself, the head and mistress of the world, now fluctuate under the violence and oppression of Odoacer the mercenary. Direct me, with my national troops, to march against the tyrant. If I fall, you will be relieved from an expensive and troublesome friend: if, with the divine permission, I succeed, I shall govern in your name, and to your glory, the Roman senate, and the part of the republic delivered from slavery by my victorious arms." The proposal of Theodoric was accepted, and perhaps had been suggested, by the Byzantine court. But the forms of the commission, or grant, appear to have been expressed with a prudent ambiguity, which might be explained by the event; and it was left doubtful, whether the conqueror of Italy should reign as the lieutenant, the vassal, or the ally, of the emperor of the East.<sup>16</sup>

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against the point of a spear which hung before a tent, or was fixed on a wagon, (Marcellin. in Chron. Evagrius, l. iii. c. 25.)

<sup>14</sup> See Malchus (p. 91) and Evagrius, (l. iii. c. 35.)

<sup>15</sup> Malchus, p. 85. In a single action, which was decided by the skill and discipline of Sabinian, Theodoric could lose 5000 men.

<sup>16</sup> Jornandes (c. 57, p. 696, 697) has abridged the great history of Cassiodorus. See, compare, and reconcile Procopius, (Gothic. l. i. c. i.),

The reputation both of the leader and of the war diffused a universal ardor; the *Walamirs* were multiplied by the Gothic swarms already engaged in the service, or seated in the provinces, of the empire; and each bold Barbarian, who had heard of the wealth and beauty of Italy, was impatient to seek, through the most perilous adventures, the possession of such enchanting objects. The march of Theodoric must be considered as the emigration of an entire people; the wives and children of the Goths, their aged parents, and most precious effects, were carefully transported; and some idea may be formed of the heavy baggage that now followed the camp, by the loss of two thousand wagons, which had been sustained in a single action in the war of Epirus. For their subsistence, the Goths depended on the magazines of corn which was ground in portable mills by the hands of their women; on the milk and flesh of their flocks and herds; on the casual produce of the chase, and upon the contributions which they might impose on all who should presume to dispute the passage, or to refuse their friendly assistance. Notwithstanding these precautions, they were exposed to the danger, and almost to the distress, of famine, in a march of seven hundred miles, which had been undertaken in the depth of a rigorous winter. Since the fall of the Roman power, Dacia and Pannonia no longer exhibited the rich prospect of populous cities, well-cultivated fields, and convenient highways: the reign of barbarism and desolation was restored, and the tribes of Bulgarians, Gepidæ, and Sarmatians, who had occupied the vacant province, were prompted by their native fierceness, or the solicitations of Odoacer, to resist the progress of his enemy. In many obscure though bloody battles, Theodoric fought and vanquished; till at length, surmounting every obstacle by skilful conduct and persevering courage, he descended from the Julian Alps, and displayed his invincible banners on the confines of Italy.<sup>17</sup>

Odoacer, a rival not unworthy of his arms, had already occupied the advantageous and well-known post of the River Sontius, near the ruins of Aquileia, at the head of a powerful

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the Valesian Fragment, (p. 718,) Theophanes, (p. 113,) and Marcellinus, (in Ohron.)

<sup>17</sup> Theodoric's march is supplied and illustrated by Ennodius, (p. 1598—1602,) when the bombast of the oration is translated into the language of common sense.

host, whose independent *kings*<sup>18</sup> or leaders disdained the duties of subordination and the prudence of delays. No sooner had Theodoric gained a short repose and refreshment to his wearied cavalry, than he boldly attacked the fortifications of the enemy; the Ostrogoths showed more ardor to acquire, than the mercenaries to defend, the lands of Italy; and the reward of the first victory was the possession of the Venetian province as far as the walls of Verona. In the neighborhood of that city, on the steep banks of the rapid Adige, he was opposed by a new army, reinforced in its numbers, and not impaired in its courage: the contest was more obstinate, but the event was still more decisive; Odoacer fled to Ravenna, Theodoric advanced to Milan, and the vanquished troops saluted their conqueror with loud acclamations of respect and fidelity. But their want either of constancy or of faith soon exposed him to the most imminent danger; his vanguard, with several Gothic counts, which had been rashly intrusted to a deserter, was betrayed and destroyed near Faenza by his double treachery; Odoacer again appeared master of the field, and the invader, strongly intrenched in his camp of Pavia, was reduced to solicit the aid of a kindred nation, the Visigoths of Gaul. In the course of this History, the most voracious appetite for war will be abundantly satiated; nor can I much lament that our dark and imperfect materials do not afford a more ample narrative of the distress of Italy, and of the fierce conflict, which was finally decided by the abilities, experience, and valor of the Gothic king. Immediately before the battle of Verona, he visited the tent of his mother<sup>19</sup> and sister, and requested, that on a day, the most illustrious festival of his life, they would adorn him with the rich garments which they had worked with their own hands. "Our glory," said he, "is mutual and inseparable. You are known to the world as the mother of

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<sup>18</sup> Tot reges, &c. (Ennodius, p. 1602.) We must recollect how much the royal title was multiplied and degraded, and that the mercenaries of Italy were the fragments of many tribes and nations.

<sup>19</sup> See Ennodius, p. 1603, 1604. Since the orator, in the king's presence, could mention and praise his mother, we may conclude that the magnanimity of Theodoric was not hurt by the vulgar reproaches of concubine and bastard.\*

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\* Gibbon here assumes that the mother of Theodoric was the concubine of Theodemir, which he leaves doubtful in the text.—M.

Theodoric; and it becomes me to prove, that I am the genuine offspring of those heroes from whom I claim my descent." The wife or concubine of Theodemir was inspired with the spirit of the German matrons, who esteemed their sons' honor far above their safety; and it is reported, that in a desperate action, when Theodoric himself was hurried along by the torrent of a flying crowd, she boldly met them at the entrance of the camp, and, by her generous reproaches, drove them back on the swords of the enemy.<sup>30</sup>

From the Alps to the extremity of Calabria, Theodoric reigned by the right of conquest; the Vandal ambassadors surrendered the Island of Sicily, as a lawful appendage of his kingdom; and he was accepted as the deliverer of Rome by the senate and people, who had shut their gates against the flying usurper.<sup>31</sup> Ravenna alone, secure in the fortifications of art and nature, still sustained a siege of almost three years; and the daring sallies of Odoacer carried slaughter and dismay into the Gothic camp. At length, destitute of provisions and hopeless of relief, that unfortunate monarch yielded to the groans of his subjects and the clamors of his soldiers. A treaty of peace was negotiated by the bishop of Ravenna; the Ostrogoths were admitted into the city, and the hostile kings consented, under the sanction of an oath, to rule with equal and undivided authority the provinces of Italy. The event of such an agreement may be easily foreseen. After some days had been devoted to the semblance of joy and friendship, Odoacer, in the midst of a solemn banquet, was stabbed by the hand, or at least by the command, of his rival. Secret and effectual orders had been previously despatched; the faithless and rapacious mercenaries, at the same moment, and without resistance, were universally massacred; and the royalty of Theodoric was proclaimed by the Goths, with the

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<sup>30</sup> This anecdote is related on the modern but respectable authority of Sigonius, (*Op. tom. i. p. 589. De Occident. Imp. l. xv.*): his words are curious: "Would you return?" &c. She presented and almost displayed the original recess.\*

<sup>31</sup> *Hist. Miscell. l. xv.*, a Roman history from Janus to the ixth century, an Epitome of Eutropius, Paulus Diaconus, and Theophanes, which Muratori has published from a MS. in the Ambrosian library, (*Script. Rerum Italicarum, tom. i. p. 100.*)

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\* The authority of Sigonius would scarcely have weighed with Gibbon except for an indecent anecdote. I have a recollection of a similar story in some of the Italian wars.—M.

tardy, reluctant, ambiguous consent of the emperor of the East. The design of a conspiracy was imputed, according to the usual forms, to the prostrate tyrant; but his innocence, and the guilt of his conqueror," are sufficiently proved by the advantageous treaty which *force* would not sincerely have granted, nor *weakness* have rashly infringed. The jealousy of power, and the mischiefs of discord, may suggest a more decent apology, and a sentence less rigorous may be pronounced against a crime which was necessary to introduce into Italy a generation of public felicity. The living author of this felicity was audaciously praised in his own presence by sacred and profane orators;" but history (in his time she was mute and inglorious) has not left any just representation of the events which displayed, or of the defects which clouded, the virtues of Theodoric.<sup>24</sup> One record of his fame, the volume of public epistles composed by Cassiodorus in the royal name, is still extant, and has obtained more implicit credit than it seems to deserve.<sup>25</sup> They exhibit the forms, rather than the substance, of his government; and we should vainly search for the pure and spontaneous sentiments of the Barbarian amidst the declamation and learning of a sophist, the wishes of a Roman senator, the precedents of office, and

<sup>22</sup> Procopius (Gothic. l. i. c. i.) approves himself an impartial sceptic; *φασὶ . . . δολερῶ τρέπω ἐκτείνε*. Cassiodorus (in Chron.) and Ennodius (p. 1604) are loyal and credulous, and the testimony of the Valesian Fragment (p. 718) may justify their belief. Marcellinus spits the venom of a Greek subject—*perjuriis illectus, interfectusque est*, (in Chron.)

<sup>23</sup> The sonorous and servile oration of Ennodius was pronounced at Milan or Ravenna in the years 507 or 508, (Sirmond, tom. i. p. 615.) Two or three years afterwards, the orator was rewarded with the bishopric of Pavia, which he held till his death in the year 521. (Dupin, Bibliot. Eccles. tom. v. p. 11—14. See Saxii Onomasticon, tom. ii. p. 12.)

<sup>24</sup> Our best materials are occasional hints from Procopius and the Valesian Fragment, which was discovered by Sirmond, and is published at the end of Ammianus Marcellinus. The author's name is unknown, and his style is barbarous; but in his various facts he exhibits the knowledge, without the passions, of a contemporary. The president Montesquieu had formed the plan of a history of Theodoric, which at a distance might appear a rich and interesting subject.

<sup>25</sup> The best edition of the *Variarum Libri* xii. is that of Joh. Garretius. (Rotomagi, 1679, in Opp. Cassiodor. 2 vols. in fol. ;) but they deserved and required such an editor as the Marquis Scipio Maffei, who thought of publishing them at Verona. The *Barbara Eleganza* (as it is ingenuously named by Tiraboschi) is never simple, and seldom perspicuous

the vague professions, which, in every court, and on every occasion, compose the language of discreet ministers. The reputation of Theodoric may repose with more confidence on the visible peace and prosperity of a reign of thirty-three years; the unanimous esteem of his own times, and the memory of his wisdom and courage, his justice and humanity, which was deeply impressed on the minds of the Goths and Italians.

The partition of the lands of Italy, of which Theodoric assigned the third part to his soldiers, is *honorably* arraigned as the sole injustice of his life.\* And even this act may be fairly justified by the example of Odoacer, the rights of conquest, the true interest of the Italians, and the sacred duty of subsisting a whole people, who, on the faith of his promises, had transported themselves into a distant land.\*\* Under the reign of Theodoric, and in the happy climate of Italy, the Goths soon multiplied to a formidable host of two hundred thousand men,\*\* and the whole amount of their families may be computed by the ordinary addition of women and children. Their invasion of property, a part of which must have been already vacant, was disguised by the generous but improper name of *hospitality*; these unwelcome guests were irregularly dispersed over the face of Italy, and the lot of each Barbarian was adequate to his birth and office, the number of his followers, and the rustic wealth which he possessed in slaves and cattle. The distinction of noble and plebeian were acknowledged;§ but the lands of every freeman were

\* Procopius, Gothic. l. i. c. i. Variarum, ii. Maffei (Verona Illustrata, P. i. p. 228) exaggerates the injustice of the Goths, whom he hated as an Italian noble. The plebeian Muratori crouches under their oppression.

\*\* Procopius, Goth. l. iii. c. 421. Ennodius describes (p. 1612, 1613) the military arts and increasing numbers of the Goths.

§ When Theodoric gave his sister to the king of the Vandals she sailed for Africa with a guard of 1000 noble Goths, each of whom was attended by five armed followers, (Procop. Vandal. l. i. c. 8.) The Gothic nobility must have been as numerous as brave.

\* Compare Gibbon, ch. xxxvi. vol. iii. p. 459, &c.—Manso observes that this division was conducted not in a violent and irregular, but in a legal and orderly manner. The Barbarian, who could not show a title of grant from the officers of Theodoric appointed for that purpose, or a prescriptive right of thirty years, in case he had obtained the property before the Ostrogothic conquest, was ejected from the estate. He conceives that estates too small to bear division paid a third of their produce.—Geschichte des Oströmischen Reiches, p. 82.—M.



exempt from taxes,\* and he enjoyed the inestimable privilege of being subject only to the laws of his country." Fashin, and even convenience, soon persuaded the conquerors to assume the more elegant dress of the natives, but they still persisted in the use of their mother-tongue; and their contempt for the Latin schools was applauded by Theodoric himself, who gratified their prejudices, or his own, by declaring, that the child who had trembled at a rod, would never dare to look upon a sword."<sup>9</sup> Distress might sometimes provoke the indigent Roman to assume the ferocious manners which were insensibly relinquished by the rich and luxurious Barbarian;<sup>11</sup> but these mutual conversions were not encouraged by the policy of a monarch who perpetuated the separation of the Italians and Goths; reserving the former for the arts of peace, and the latter for the service of war. To accomplish this design, he studied to protect his industrious subjects, and to moderate the violence, without enervating the valor, of his soldiers, who were maintained for the public defence. They held their lands and benefices as a military stipend: at the sound of the trumpet, they were prepared to march under the conduct of their provincial officers; and the whole extent of Italy was distributed into the several quarters of a well-regulated camp. The service of the palace and of the frontiers was performed by choice or by rotation; and each extraordinary fatigue was recompensed by an increase of pay and occasional donatives. Theodoric had convinced his brave companions, that empire must be acquired and defended by the same arts. After his example, they strove to excel in the use, not only of the lance and sword, the instruments of their victories, but of the missile weapons, which they were too much inclined to neglect; and the lively image of war was

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<sup>9</sup> See the acknowledgment of Gothic liberty, (Var. v. 30.)

<sup>10</sup> Procopius, Goth. l. i. c. 2. The Roman boys learnt the language (Var. viii. 21) of the Goths. Their general ignorance is not destroyed by the exceptions of Amalasuntha, a female, who might study without shame, or of Theodatus, whose learning provoked the indignation and contempt of his countrymen.

<sup>11</sup> A saying of Theodoric was founded on experience: "Romanus miser imitatur Gothum; ut utilis (*dives*) Gothus imitatur Romanum." (See the Fragment and Notes of Valesius, p. 719.)

\* Manso (p. 100) quotes two passages from Cassiodorus to show that the Goths were not exempt from the fiscal claims.—Cassiodor. i. 19, iv. 14 -M.

displayed in the daily exercise and annual reviews of the Gothic cavalry. A firm though gentle discipline imposed the habits of modesty, obedience, and temperance; and the Goths were instructed to spare the people, to reverence the laws, to understand the duties of civil society, and to disclaim the barbarous license of judicial combat and private revenge."

Among the Barbarians of the West, the victory of Theodoric had spread a general alarm. But as soon as it appeared that he was satisfied with conquest and desirous of peace, terror was changed into respect, and they submitted to a powerful mediation, which was uniformly employed for the best purposes of reconciling their quarrels and civilizing their manners." The ambassadors who resorted to Ravenna from the most distant countries of Europe, admired his wisdom, magnificence," and courtesy; and if he sometimes accepted either slaves or arms, white horses or strange animals, the gift of a sun-dial, a water-clock, or a musician, admonished even the princes of Gaul of the superior art and industry of his Italian subjects. His domestic alliances," a wife, two daughters, a sister, and a niece, united the family of Theodoric with the kings of the Franks, the Burgundians, the Visigoths, the Vandals, and the Thuringians, and contributed to maintain the harmony, or at least the balance, of the great republic of the West." It is difficult in the dark forests of

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<sup>22</sup> The view of the military establishment of the Goths in Italy is collected from the Epistles of Cassiodorus (Var. i. 24, 40; iii. 3, 24, 48; iv. 13, 14; v. 26, 27; viii. 3, 4, 25.) They are illustrated by the learned Mascou, (*Hist. of the Germans*, l. xi. 40—44, Annotation xiv.)\*

<sup>23</sup> See the clearness and vigor of his negotiations in Ennodius, (p. 1607,) and Cassiodorus, (Var. iii. 1, 2, 3, 4; iv. 13; v. 43, 44,) who gives the different styles of friendship, counsel expostulation, &c.

<sup>24</sup> Even of his table (Var. vi. 9) and palace, (vii. 5.) The admiration of strangers is represented as the most rational motive to justify these vain expenses, and to stimulate the diligence of the officers to whom these provinces were intrusted.

<sup>25</sup> See the public and private alliances of the Gothic monarch, with the Burgundians, (Var. i. 45, 46,) with the Franks, (ii. 40,) with the Thuringians, (iv. 1,) and with the Vandals, (v. 1;) each of these epistles affords some curious knowledge of the policy and manners of the Barbarians.

<sup>26</sup> His political system may be observed in Cassiodorus, (Var. iv. 1

\* Compare Masao, *Geschichte des Ost-Gothischen Reiches*, p. 114.—M.

Germany and Poland to pursue the emigrations of the Heruli, a fierce people who disdained the use of armor, and who condemned their widows and aged parents not to survive the loss of their husbands, or the decay of their strength." The king of these savage warriors solicited the friendship of Theodoric, and was elevated to the rank of his son, according to the barbaric rites of a military adoption.<sup>27</sup> From the shores of the Baltic, the Æstians or Livonians laid their offerings of native amber<sup>28</sup> at the feet of a prince, whose fame had ex-

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ix. 1.) Jornandes, (c. 58, p. 698, 699.) and the Valesian Fragment, (p. 720, 721.) Peace, honorable peace, was the constant aim of Theodoric.

<sup>27</sup> The curious reader may contemplate the Heruli of Procopius, (Goth. l. ii. c. 14.) and the patient reader may plunge into the dark and minute researches of M. de Buat, (Hist. des Peuples Anciens, tom. ix. p. 348—396.)\*

<sup>28</sup> Variarum, iv. 2. The spirit and forms of this martial institution are noticed by Cassiodorus; but he seems to have only translated the sentiments of the Gothic king into the language of Roman eloquence.

<sup>29</sup> Cassiodorus, who quotes Tacitus to the Æstians, the unlettered ravages of the Baltic, (Var. v. 2.) describes the amber for which their

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\* Compare Manso, Ost Gothische Reich. Beylage, vi. Malte-Brun brings them from Scandinavia: their names, the only remains of their language, are Gothic. "They fought almost naked, like the Icelandic Berserkirs their bravery was like madness: few in number, they were mostly of royal blood. What ferocity, what unrestrained license, sullied their victories! The Goth respects the church, the priests, the senate; the Heruli mangle all in a general massacre: there is no pity for age, no refuge for chastity. Among themselves there is the same ferocity: the sick and the aged are put to death at their own request, during a solemn festival; the widow ends her days by hanging herself upon the tree which shadows her husband's tomb. All these circumstances, so striking to a mind familiar with Scandinavian history, lead us to discover among the Heruli not so much a nation as a confederacy of princes and nobles, bound by an oath to live and die together with their arms in their hands. Their name, sometimes written Heruli or Eruli, sometimes Aeruli, signified, according to an ancient author, (Isid. Hispal. in gloss. p. 24, ad calc. Lex. Philolog. Martini, 11,) nobles, and appears to correspond better with the Scandinavian word iarl or earl, than with any of those numerous derivations proposed by etymologists." Malte-Brun, vol. i. p. 400, (edit. 1831.) Of all the Barbarians who threw themselves on the ruins of the Roman empire, it is most difficult to trace the origin of the Heruli. They seem never to have been very powerful as a nation, and branches of them are found in countries very remote from each other. In my opinion they belong to the Gothic race, and have a close affinity with the Scyrri or Hirri. They were, possibly, a division of that nation. They are often mingled and confounded with the Alani. Though brave and formidable, they were never numerous, nor did they found any state.—St. Martin, vol. vi. p. 375.—M. Schafarck considers them descendants of the Hirri, of which Heruli is a diminutive.—Slawische Alterthümer. l. 437.—M. 1845.

sited them to undertake an unknown and dangerous journey of fifteen hundred miles. With the country "from whence the Gothic nation derived their origin, he maintained a frequent and friendly correspondence: the Italians were clothed in the rich sables" of Sweden; and one of its sovereigns, after a voluntary or reluctant abdication, found a hospitable retreat in the palace of Ravenna. He had reigned over one of the thirteen populous tribes who cultivated a small portion of the great island or peninsula of Scandinavia, to which the vague appellation of Thule has been sometimes applied. That northern region was peopled, or had been explored, as high as the sixty-eighth degree of latitude, where the natives of the polar circle enjoy and lose the presence of the sun at each summer and winter solstice during an equal period of forty days.<sup>40</sup> The long night of his absence or death was the mournful season of distress and anxiety, till the messengers, who had been sent to the mountain tops, descried the first rays of returning light, and proclaimed to the plain below the festival of his resurrection.<sup>41</sup>

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shores have ever been famous, as the gum of a tree, hardened by the sun, and purified and wafted by the waves. When that singular substance is analyzed by the chemists, it yields a vegetable oil and a mineral acid.

<sup>40</sup> Scanzia, or Thule, is described by Jornandes (c. 3, p. 610-613) and Procopius, (Goth. I. ii. c. 15.) Neither the Goth nor the Greek had visited the country: both had conversed with the natives in their exile at Ravenna or Constantinople.

<sup>41</sup> *Sapherinas pelles*. In the time of Jornandes they inhabited *Sue-thans*, the proper Sweden; but that beautiful race of animals has gradually been driven into the eastern parts of Siberia. See Buffon, (Hist. Nat. tom. xiii. p. 309-313, quarto edition;) Pennant, (System of Quadrupeds, vol. i. p. 322-328;) Gmelin, (Hist. Gén. des Voyages, tom. xviii. p. 257, 258;) and Levesque, (Hist. de Russie, tom. v. p. 165, 166, 514, 515.)

<sup>42</sup> In the system or romance of Mr. Bailly, (Lettres sur les Sciences et sur l'Atlantide, tom. i. p. 249-256, tom. ii. p. 114-139,) the phoenix of the Edda, and the annual death and revival of Adonis and Osiris, are the allegorical symbols of the absence and return of the sun in the Arctic regions. This ingenious writer is a worthy disciple of the great Buffon; nor is it easy for the coldest reason to withstand the magic of their philosophy.

<sup>43</sup> *Ἀπὸ τοῦ Θουλίρας ἡ ψυχὴ τῶν ἱερῶν ἔστι*, says Procopius. At present a rude Manicheism (generous enough) prevails among the *Samoyedes* in Greenland and in Lapland, (Hist. des Voyages, tom. xviii. p. 508, 509, tom. xix. p. 105, 106, 527, 528;) yet, according to *Orctius* *Samojutæ cœlum atque astra adorant, numina haud aliis*

The life of Theodoric represents the rare and meritorious example of a Barbarian, who sheathed his sword in the pride of victory and the vigor of his age. A reign of three and thirty years was consecrated to the duties of civil government, and the hostilities, in which he was sometimes involved, were speedily terminated by the conduct of his lieutenants, the discipline of his troops, the arms of his allies, and even by the terror of his name. He reduced, under a strong and regular government, the unprofitable countries of Rhetia, Noricum, Dalmatia, and Pannonia, from the source of the Danube and the territory of the Bavarians,<sup>44</sup> to the petty kingdom erected by the Gepidæ on the ruins of Sirmium. His prudence could not safely intrust the bulwark of Italy to such feeble and turbulent neighbors; and his justice might claim the lands which they oppressed, either as a part of his kingdom, or as the inheritance of his father. The greatness of a servant, who was named perfidious because he was successful, awakened the jealousy of the emperor Anastasius; and a war was kindled on the Dacian frontier, by the protection which the Gothic king, in the vicissitude of human affairs, had granted to one of the descendants of Attila. Sabinian, a general illustrious by his own and father's merit, advanced at the head of ten thousand Romans; and the provisions and arms, which filled a long train of wagons, were distributed to the fiercest of the Bulgarian tribes. But in the fields of Margus, the eastern powers were defeated by the inferior forces of the Goths and Huns; the flower and even the hope of the Roman armies was irretrievably destroyed; and such was the temperance with which Theodoric had inspired his victorious troops, that, as their leader had not given the signal of pillage, the rich spoils of the enemy lay untouched at their feet.<sup>45</sup> Exasperated by this disgrace, the Byzantine court despatched

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*Iniquiora*, (de Rebus Belgicis, l. iv. p. 338, folio edition;) a sentence which Tacitus would not have disowned.

<sup>44</sup> See the *Hist. des Peuples Anciens*, &c., tom. ix. p. 255—273, 396—501. The count de Buat was French minister at the court of Bavaria: a liberal curiosity prompted his inquiries into the antiquities of the country, and that curiosity was the germ of twelve respectable volumes.

<sup>45</sup> See the Gothic transactions on the Danube and the Illyricum, in Jornandes (c. 58, p. 699;) Ennodius, (p. 1607—1610;) Marcellinus (l. Chron. p. 44, 47, 48;) and Cassiodorus, (in *Chron. an. Var.* iii. 27 50, iv. 13, vii. 4 24, viii. 9, 10, 11, 21, ix. 8, 9.)

two hundred ships and eight thousand men to plunder the sea-coast of Calabria and Apulia: they assaulted the ancient city of Tarentum, interrupted the trade and agriculture of a happy country, and sailed back to the Hellespont, proud of their piratical victory over a people whom they still presumed to consider as their *Roman* brethren.<sup>46</sup> Their retreat was possibly hastened by the activity of Theodoric; Italy was covered by a fleet of a thousand light vessels,<sup>47</sup> which he constructed with incredible despatch; and his firm moderation was soon rewarded by a solid and honorable peace. He maintained, with a powerful hand, the balance of the West, till it was at length overthrown by the ambition of Clovis; and although unable to assist his rash and unfortunate kinsman, the king of the Visigoths, he saved the remains of his family and people, and checked the Franks in the midst of their victorious career. I am not desirous to prolong or repeat<sup>48</sup> this narrative of military events, the least interesting of the reign of Theodoric; and shall be content to add, that the Alemanni were protected,<sup>49</sup> that an inroad of the Burgundians was severely chastised, and that the conquest of Arles and Marseilles opened a free communication with the Visigoths, who revered him as their national protector, and as the guardian of his grandchild, the infant son of Alaric. Under this respectable character, the king of Italy restored the prætorian præfecture of the Gauls, reformed some abuses in the civil government of Spain, and accepted the annual tribute and apparent submission of its military governor, who wisely refused to trust his person in the palace of Ravenna.<sup>50</sup> The

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<sup>46</sup> I cannot forbear transcribing the liberal and classic style of Count Marcellinus: Romanus comes domesticorum, et Rusticus comes scholariorum cum centum armatis navibus, totidemque dromonibus, octo millia militum armatorum secum ferentibus, ad devastanda Italiae littora processerunt, ut usque ad Tarentum antiquissimam civitatem aggressi sunt; remensoque mari in honestam victoriam quam piratico ausu Romani ex Romanis rapuerunt, Anastasio Cæsari reportarunt, (in Chron. p. 48.) See *Variar.* i. 16, ii. 38.

<sup>47</sup> See the royal orders and instructions, (*Var.* iv. 15, v. 16—20.) These armed boats should be still smaller than the thousand vessels of Agamemnon at the siege of Troy. [*Manso*, p. 121.]

<sup>48</sup> Vol. iii. p. 581—585.

<sup>49</sup> Ennodius (p. 1610) and Cassiodorus, in the royal name, (*Var.* ii. 41.) record his salutary protection of the Alemanni.

<sup>50</sup> The Gothic transactions in Gaul and Spain are represented with some perplexity in Cassiodorus, (*Var.* iii. 32, 38, 41, 43, 44, v. 39.)

Gothic sovereignty was established from Sicily to the Danube, from Sirmium or Belgrade to the Atlantic Ocean; and the Greeks themselves have acknowledged that Theodoric reigned over the fairest portion of the Western empire.<sup>51</sup>

The union of the Goths and Romans might have fixed for ages the transient happiness of Italy; and the first of nations, a new people of free subjects and enlightened soldiers, might have gradually arisen from the mutual emulation of their respective virtues. But the sublime merit of guiding or seconding such a revolution was not reserved for the reign of Theodoric: he wanted either the genius or the opportunities of a legislator;<sup>52</sup> and while he indulged the Goths in the enjoyment of rude liberty, he servilely copied the institutions, and even the abuses, of the political system which had been framed by Constantine and his successors. From a tender regard to the expiring prejudices of Rome, the Barbarian declined the name, the purple, and the diadem, of the emperors; but he assumed, under the hereditary title of king, the whole substance and plenitude of Imperial prerogative.<sup>53</sup> His addresses to the eastern throne were respectful and ambiguous: he celebrated, in pompous style, the harmony of the two republics, applauded his own government as the perfect similitude of a sole and undivided empire, and claimed above the kings of the earth the same preëminence which he modestly allowed to the person or rank of Anastasius. The alliance of the East and West was annually declared by the unanimous choice of two consuls; but it should seem that the Italian candidate who was named by Theodoric accepted

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Jornandes, (c. 58, p. 698, 699,) and Procopius, (Goth. l. i. c. 12.) I will neither hear nor reconcile the long and contradictory arguments of the Abbé Dubos and the Count de Buat, about the wars of Burgundy.

<sup>51</sup> Theophanes, p. 113.

<sup>52</sup> Procopius affirms that no laws whatsoever were promulgated by Theodoric and the succeeding kings of Italy, (Goth. l. ii. c. 6.) He must mean in the Gothic language. A Latin edict of Theodoric is still extant, in one hundred and fifty-four articles.\*

<sup>53</sup> The image of Theodoric is engraved on his coins: his modest successors were satisfied with adding their own name to the head of the reigning emperor, (Muratori, *Antiquitat. Italiae Medii Ævi*, tom. ii. dissert. xxvii. p. 577—579. Giannone, *Istoria Civile di Napoli*, tom. i. p. 166.)

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\* See Manso, 92. Savigny, vol. ii. p. 164, et seq.—M.

a formal confirmation from the sovereign of Constantinople.\* The Gothic palace of Ravenna reflected the image of the court of Theodosius or Valentinian. The Prætorian præfect, the præfect of Rome, the quæstor, the master of the offices, with the public and patrimonial treasurers,\* whose functions are painted in gaudy colors by the rhetoric of Cassiodorus, still continued to act as the ministers of state. And the subordinate care of justice and the revenue was delegated to seven consulars, three correctors, and five presidents, who governed the fifteen *regions* of Italy according to the principles, and even the forms, of Roman jurisprudence.\*\* The violence of the conquerors was abated or eluded by the slow artifice of judicial proceedings; the civil administration, with its honors and emoluments, was confined to the Italians; and the people still preserved their dress and language, their laws and customs, their personal freedom, and two thirds of their landed property.† It had been the object of Augustus to conceal the introduction of monarchy; it was the policy of

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\* The alliance of the emperor and the king of Italy are represented by Cassiodorus (Var. i. 1, ii. 1, 2, 3, vi. 1) and Procopius, (Goth. i. ii. c. 6, l. iii. c. 21.) who celebrate the friendship of Anastasius and Theodoric; but the figurative style of compliment was interpreted in a very different sense at Constantinople and Ravenna.

\*\* To the xvii. provinces of the Notitia, Paul Warnefrid the deacon (De Reb. Longobard. l. ii. c. 14—22) has subjoined an xviii. the Apennine, (Muratori, Script. Rerum Italicarum, tom. i. p. 431—443.) But of these Sardinia and Corsica were possessed by the Vandals, and the two Rhetias, as well as the Cottian Alps, seem to have been abandoned to a military government. The state of the four provinces that now form the kingdom of Naples is labored by Giannone (tom. i. p. 172, 178) with patriotic diligence.

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\* All causes between Roman and Roman were judged by the old Roman courts. The comes Gothorum judged between Goth and Goth; between Goths and Romans, (without considering which was the plaintiff,) the comes Gothorum, with a Roman jurist as his assessor, making a kind of mixed jurisdiction. but with a natural predominance to the side of the Goth.—Savigny, vol. i. p. 290.—M.

† Manso enumerates and develops at some length the following sources of the royal revenue of Theodoric: 1. A domain, either by succession to that of Odoacer, or a part of the third of the lands was reserved for the royal patrimony. 1. Regalia, including mines, unclaimed estates, treasure-trove, and confiscations. 3. Land tax. 4. Aurarium, like the Chrysargyrum, a tax on certain branches of trade. 5. Grant of Monopolies. 6. Siliquaticum, a small tax on the sale of all kinds of commodities. 7. Portoria, customs.—Manso, 96, 111. Savigny (i. 285) supposes that in many cases the property remained in the original owner, who paid his tertia, a third of the produce in the crown, vol. i. p. 285.—M.



Theodoric to disguise the reign of a Barbarian.\* If his subjects were sometimes awakened from this pleasing vision of a Roman government, they derived more substantial comfort from the character of a Gothic prince, who had penetration to discern, and firmness to pursue, his own and the public interest. Theodoric loved the virtues which he possessed, and the talents of which he was destitute. Liberius was promoted to the office of Prætorian præfect for his unshaken fidelity to the unfortunate cause of Odoacer. The ministers of Theodoric, Cassiodorus,\*\* and Boethius, have reflected on his reign the lustre of their genius and learning. More prudent or more fortunate than his colleague, Cassiodorus preserved his own esteem without forfeiting the royal favor; and after passing thirty years in the honors of the world, he was blessed with an equal term of repose in the devout and studious solitude of Squillace.\*

As the patron of the republic, it was the interest and duty

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\*\* See the Gothic history of Procopius, (l. i. c. 1, l. ii. c. 6,) the Epistles of Cassiodorus, (passim, but especially the vii and viii books, which contain the *formula*, or patents of offices,) and the Civil History of Giannone, (tom. i. l. ii. iii.) The Gothic counts, which he places in every Italian city, are annihilated, however, by Maffei, (Verona Illustrata, P. i. l. viii. p. 227; for those of Syracuse and Naples (Var. vi. 22, 23) were special and temporary commissions.

\* Two Italians of the name of Cassiodorus, the father (Var. i. 24, 40) and the son, (ix. 24, 25,) were successively employed in the administration of Theodoric. The son was born in the year 479: his various epistles as quæstor, master of the offices, and Prætorian præfect, extend from 509 to 539, and he lived as a monk about thirty years, (Tiraboschi Storia della Letteratura Italiana, tom. iii. p. 7-24. Fabricius, Bibliot. Lat. Med. Ævi, tom. i. p. 357, 358, edit. Mansi.)

\* Cassiodorus was of an ancient and honorable family; his grandfather had distinguished himself in the defence of Sicily against the ravages of Genseric; his father held a high rank at the court of Valentinian III., enjoyed the friendship of Ætius, and was one of the ambassadors sent to arrest the progress of Attila. Cassiodorus himself was first the treasurer of the private expenditure to Odoacer, afterwards "count of the sacred largesses." Yielding with the rest of the Romans to the dominion of Theodoric, he was instrumental in the peaceable submission of Sicily; was successively governor of his native provinces of Bruttium and Lucania, quæstor, magister palatii, Prætorian præfect, patrician, consul, and private secretary, and, in fact, first minister of the king. He was five times Prætorian præfect under different sovereigns, the last time in the reign of Vitiges. This is the theory of Manso, which is not unencumbered with difficulties. M. Buat had supposed that it was the father of Cassiodorus who held the office first named. Compare Manso, p. 85, &c., and Beylage, vii. It certainly appears improbable that Cassiodorus should have been count of the sacred largesses at twenty years old.—M

of the Gothic king to cultivate the affections of the senate<sup>50</sup> and people. The nobles of Rome were flattered by sonorous epithets and formal professions of respect, which had been more justly applied to the merit and authority of their ancestors. The people enjoyed, without fear or danger, the three blessings of a capital, order, plenty, and public amusements. A visible diminution of their numbers may be found even in the measure of liberality;<sup>51</sup> yet Apulia, Calabria, and Sicily, poured their tribute of corn into the granaries of Rome: an allowance of bread and meat was distributed to the indigent citizens; and every office was deemed honorable which was consecrated to the care of their health and happiness. The public games, such as the Greek ambassador might politely applaud, exhibited a faint and feeble copy of the magnificence of the Cæsars: yet the musical, the gymnastic, and the pantomime arts, had not totally sunk in oblivion; the wild beasts of Africa still exercised in the amphitheatre the courage and dexterity of the hunters; and the indulgent Goth either patiently tolerated or gently restrained the blue and green factions, whose contests so often filled the circus with clamor and even with blood.<sup>52</sup> In the seventh year of his peaceful reign, Theodoric visited the old capital of the world; the senate and people advanced in solemn procession to salute a second Trajan, a new Valentinian; and he nobly supported that character by the assurance of a just and legal government,<sup>53</sup> in a discourse which he was not afraid to pronounce in public, and to inscribe on a tablet of brass. Rome, in this august ceremony, shot a last ray of declining glory: and a saint, the spectator of this pompous scene, could only hope, in his pious fancy, that it was excelled by the celestial splendor of the new Jerusalem.<sup>54</sup> During a residence of six

<sup>50</sup> See his regard for the senate in Cochläus, (Vit. Theod. viii. p. 72—80.)

<sup>51</sup> No more than 120,000 *modii*, or four thousand quarters, (Anonym. Valesian. p. 721. and Var. i. 35, vi. 18, xi. 5, 39.)

<sup>52</sup> See his regard and indulgence for the spectacles of the circus, the amphitheatre, and the theatre, in the Chronicle and Epistles of Cassiodorus, (Var. i. 20, 27, 30, 31, 32, iii. 51, iv. 51, illustrated by the xivth Annotation of Mascon's History), who has contrived to sprinkle the subject with ostentatious, though agreeable, learning.

<sup>53</sup> Anonym. Vales. p. 721. Marius Aventicensis in Chron. In the scale of public and personal merit, the Gothic conqueror is at least as much *above* Valentinian, as he may seem *inferior* to Trajan.

<sup>54</sup> Vit. Fulgentii in Baron. Annal. Eccles. A. D 500, No. 10.

months, the fame, the person, and the courteous demeanor of the Gothic king, excited the admiration of the Romans, and he contemplated, with equal curiosity and surprise, the monuments that remained of their ancient greatness. He imprinted the footsteps of a conqueror on the Capitoline hill, and frankly confessed that each day he viewed with fresh wonder the forum of Trajan and his lofty column. The theatre of Pompey appeared, even in its decay, as a huge mountain artificially hollowed, and polished, and adorned by human industry; and he vaguely computed, that a river of gold must have been drained to erect the colossal amphitheatre of Titus.<sup>53</sup> From the mouths of fourteen aqueducts, a pure and copious stream was diffused into every part of the city; among these the Claudian water, which arose at the distance of thirty-eight miles in the Sabine mountains, was conveyed along a gentle though constant declivity of solid arches, till it descended on the summit of the Aventine hill. The long and spacious vaults which had been constructed for the purpose of common sewers, subsisted, after twelve centuries, in their pristine strength; and these subterraneous channels have been preferred to all the visible wonders of Rome.<sup>54</sup> The Gothic kings, so injuriously accused of the ruin of antiquity, were anxious to preserve the monuments of the nation whom they had subdued.<sup>55</sup> The royal edicts were framed to

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<sup>53</sup> Cassiodorus describes in his pompous style the Forum of Trajan (Var. vii. 6.) the theatre of Marcellus, (iv. 51.) and the amphitheatre of Titus, (v. 42;) and his descriptions are not unworthy of the reader's perusal. According to the modern prices, the Abbé Barthelemy computes that the brick work and masonry of the Coliseum would now cost twenty millions of French livres, (Mém. de l'Académie des Inscriptions, tom. xxviii. p. 585, 586.) How small a part of that stupendous fabric!

<sup>54</sup> For the aqueducts and cloacæ, see Strabo, (l. v. p. 360;) Pliny, (Hist. Natur. xxxvi. 24; Cassiodorus, (Var. iii. 30, 31, vi. 6;) Procopius, (Goth. l. i. c. 19;) and Nardini, (Roma Antica, p. 514—522.) How such works could be executed by a king of Rome, is yet a problem.\*

<sup>55</sup> For the Gothic care of the buildings and statues, see Cassiodorus (Var. i. 21, 25, ii. 34, iv. 30, vii. 6, 13, 15) and the Valesian Fragment, (p. 721.)

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\* See Niebuhr, vol. i. p. 402. These stupendous works are among the most striking confirmations of Niebuhr's views of the early Roman history; at least they appear to justify his strong sentence—"These works and the building of the Capitol attest with unquestionable evidence that the Rome of the later kings was the chief city of a great state."—Page 410  
—M.

prevent the abuses, the neglect, or the depredations of the citizens themselves; and a professed architect, the annual sum of two hundred pounds of gold, twenty-five thousand tiles, and the receipt of customs from the Lucrine port, were assigned for the ordinary repairs of the walls and public edifices. A similar care was extended to the statues of metal or marble of men or animals. The spirit of the horses, which have given a modern name to the Quirinal, was applauded by the Barbarians; "the brazen elephants of the *Via sacra* were diligently restored; " the famous heifer of Myron deceived the cattle, as they were driven through the forum of peace; " and an officer was created to protect those works of art, which Theodoric considered as the noblest ornament of his kingdom.

After the example of the last emperors, Theodoric preferred the residence of Ravenna, where he cultivated an orchard with his own hands.<sup>66</sup> As often as the peace of his kingdom was threatened (for it was never invaded) by the Barbarians, he removed his court to Verona<sup>67</sup> on the northern frontier, and the image of his palace, still extant on a coin, represents the oldest and most authentic model of Gothic architecture. These two capitals, as well as Pavia, Spoleto, Naples, and the rest of the Italian cities, acquired under his reign the useful or splendid decorations of churches, aqueducts, baths, porticos, and palaces.<sup>68</sup> But the happiness of the subject was more truly conspicuous in the busy scene of labor and luxury,

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<sup>66</sup> Var. vii. 15. These horses of Monte Cavallo had been transported from Alexandria to the baths of Constantine, (Nardini, p. 188.) Their sculpture is disdained by the Abbé Dubos, (*Reflexions sur la Poésie et sur la Peinture*, tom. i. section 39,) and admired by Winkelmann, (*Hist. de l'Art*, tom. ii. p. 159.)

<sup>67</sup> Var. x. 10. They were probably a fragment of some triumphal car, (Cuper de Elephantis, ii. 10.)

<sup>68</sup> Procopius (Goth. l. iv. c. 21) relates a foolish story of Myron's cow, which is celebrated by the false wit of thirty-six Greek epigrams. Antholog. l. iv. p. 302—306, edit. Hen. Steph.; Auson. Epigram. viii.—lxviii.)

<sup>69</sup> See an epigram of Ennodius (ii. 3, p. 1893, 1894) on this garden and the royal gardens.

<sup>70</sup> His affection for that city is proved by the epithet of "*Verona sua*," and the legend of the hero; under the barbarous name of Dietrich of Bern, (Peringsciold and Cochlaem, p. 240,) Maffei traces him with knowledge and pleasure in his native country, (l. ix. p. 230—236.)

<sup>71</sup> See Maffei, (*Verona Illustrata*, Part i. p. 231, 232, 308, &c.) He imputes Gothic architecture, like the corruption of language, writing  
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in the rapid increase and bold enjoyment of national wealth. From the shades of Tibur and Præneste, the Roman senators still retired in the winter season to the warm sun, and salubrious springs of Baïæ; and their villas, which advanced on solid moles into the Bay of Naples, commanded the various prospect of the sky, the earth, and the water. On the eastern side of the Adriatic, a new Campania was formed in the fair and fruitful province of Istria, which communicated with the palace of Ravenna by an easy navigation of one hundred miles. The rich productions of Lucania and the adjacent provinces were exchanged at the Marcilian fountain, in a populous fair annually dedicated to trade, intemperance, and superstition. In the solitude of Comum, which had once been animated by the mild genius of Pliny, a transparent basin above sixty miles in length still reflected the rural seats which encompassed the margin of the Larian lake; and the gradual ascent of the hills was covered by a triple plantation of olives, of vines, and of chestnut trees.<sup>72</sup> Agriculture revived under the shadow of peace, and the number of husbandmen was multiplied by the redemption of captives.<sup>73</sup> The iron mines of Dalmatia, a gold mine in Bruttium, were carefully explored, and the Pomptine marshes, as well as those of Spoleto, were drained and cultivated by private undertakers, whose distant reward must de-

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&c., not to the Barbarians, but to the Italians themselves. Compare his sentiments with those of Tiraboschi, (tom. iii. p. 61.)\*

<sup>72</sup> The villas, climate, and landscape of Baïæ, (Var. ix. 6; see Cluver Italia Antiq. l. iv. c. 2, p. 1119, &c.,) Istria, (Var. xii. 22, 26,) and Comum, (Var. xi. 14; compare with Pliny's two villas, ix. 7,) are agreeably painted in the Epistles of Cassiodorus.

<sup>73</sup> In Liguria numerosa agricolarum progenies, (Ennodius, p. 1678 1679, 1680.) St. Epiphanius of Pavia redeemed by prayer or ransom 6000 captives from the Burgundians of Lyons and Savoy. Such deals are the best of miracles.

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\* Mr. Hallam (vol. iii. p. 432) observes that "the image of Theodoric's palace" is represented in Maffei, not from a coin, but from a seal. Compare D'Agincourt (Storia dell' arte. *Italian Transl.*, Architettura. Plate xvii. No. 2, and Pittura, Plate xvi. No. 15.) where there is likewise an engraving from a mosaic in the church of St. Apollinaris in Ravenna, representing a building ascribed to Theodoric in that city. Neither of these, as Mr. Hallam justly observes, in the least approximates to what is called the Gothic style. They are evidently the degenerate Roman architecture, and more resemble the early attempts of our architects to get back from our nation's Gothic into a classical Greek style. One of them calls to mind Inigo Jones's inner quadrangle in St. John's College Oxford. Compare Hallam's *Art D'Agincourt* vol. i. p. 140—145.—M

pend on the continuance of the public prosperity.' Whenever the seasons were less propitious, the doubtful precautions of forming magazines of corn, fixing the price, and prohibiting the exportation, attested at least the benevolence of the state; but such was the extraordinary plenty which an industrious people produced from a grateful soil, that a gallon of wine was sometimes sold in Italy for less than three farthings, and a quarter of wheat at about five shillings and sixpence." A country possessed of so many valuable objects of exchange soon attracted the merchants of the world, whose beneficial traffic was encouraged and protected by the liberal spirit of Theodoric. The free intercourse of the provinces by land and water was restored and extended; the city gates were never shut either by day or by night; and the common saying, that a purse of gold might be safely left in the fields, was expressive of the conscious security of the inhabitants.

A difference of religion is always pernicious, and often fatal, to the harmony of the prince and people: the Gothic conqueror had been educated in the profession of Arianism, and Italy was devoutly attached to the Nicene faith. But the persuasion of Theodoric was not infected by zeal; and he piously adhered to the heresy of his fathers, without condescending to balance the subtle arguments of theological metaphysics. Satisfied with the private toleration of his Arian sectaries, he justly conceived himself to be the guardian of the public worship, and his external reverence for a superstition which he despised, may have nourished in his mind the salutary indifference of a statesman or philosopher. The

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<sup>74</sup> The political economy of Theodoric (see Anonym. Vales. p. 721, and Cassiodorus, in Chron.) may be distinctly traced under the following heads: iron mine, (Var. iii. 23;) gold mine, (ix. 8;) Pomptine marshes, (ii. 32, 33;) Spoleto, (ii. 21;) corn, (i. 34, x. 27, 28, xi. 11, 12;) trade, (vi. 7, vii. 9, 23;) fair of Leucothoe or St. Cyprian in Lucania, (viii. 33;) plenty, (xii. 4;) the cursus, or public post, (i. 29, ii. 31, iv. 47, v. 5, vi. 6, vii. 33;) the Flaminian way, (xii. 18.)\*

<sup>75</sup> LX modii tritici in solidum ipsius tempore fuerunt, et vinum xxx amphoras in solidum, (Fragment. Vales.) Corn was distributed from the granaries at xv or xxv modii for a piece of gold, and the price was still moderate.

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\* The inscription commemorative of the draining of the Pomptine marshes may be found in many works; in Gruter, Inscript. Ant. Heidelberg, p. 159, No. 8. With variations, in Nicolai De' bonificamenti delle terre Pontine, p. 103. In Sartorius, in his prize essay on the reign of Theodoric, and Maue Beylage, xi.--M.

From his elevation to his death, Justinian governed the Roman empire thirty-eight years, seven months, and thirteen days. The events of his reign, which excite our curious attention by their number, variety, and importance, are diligently related by the secretary of Belisarius, a rhetorician, whom eloquence had promoted to the rank of senator and præfect of Constantinople. According to the vicissitudes of courage or servitude, of favor or disgrace, Procopius<sup>12</sup> successively composed the *history*, the *panegyric*, and the *satire* of his own times. The eight books of the Persian, Vandalic, and Gothic wars,<sup>13</sup> which are continued in the five books of Agathias, deserve our esteem as a laborious and successful imitation of the Attic, or at least of the Asiatic, writers of ancient Greece. His facts are collected from the personal experience and free conversation of a soldier, a statesman, and a traveller; his style continually aspires, and often attains, to the merit of strength and elegance; his reflections, more especially in the speeches, which he too frequently inserts, contain a rich fund of political knowledge; and the historian, excited by the generous ambition of pleasing and instructing posterity, appears to disdain the prejudices of the people, and the flattery of courts. The writings of Procopius<sup>14</sup> were read and applauded

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in the Ecclesiastical History of Evagrius, (l. iv. c. 1, 2, 8, 9,) and the Excerpta of Theodorus Lector, (No. 37,) and in Cedrenus, (p. 362—366,) and Zonaras, (l. xiv. p. 58—61,) who may pass for an original.

<sup>12</sup> See the characters of Procopius and Agathias in La Mothe le Vayer, (tom. viii. p. 144—174,) Vossius, (de Historicis Græcis, l. ii. c. 22,) and Fabricius, (Bibliot. Græc. l. v. c. 5, tom. vi. p. 248—278.) Their religion, an honorable problem, betrays occasional conformity, with a secret attachment to Paganism and Philosophy.

<sup>13</sup> In the seven first books, two Persian, two Vandalic, and three Gothic, Procopius has borrowed from Appian the division of provinces and wars: the viii<sup>th</sup> book, though it bears the name of Gothic, is a miscellaneous and general supplement down to the spring of the year 553, from whence it is continued by Agathias till 559, (Pagi, Critica, A. D. 579, No. 5.)

<sup>14</sup> The literary fate of Procopius has been somewhat unlucky. 1. His books de Bello Gothico were stolen by Leonard Aretin, and published (Fulgini, 1470, Venet. 1471, apud Janson. Mattaire. Annal Typograph. tom. i. edit. posterior, p. 290, 304, 279, 299,) in his own name, (see Vossius de Hist. Lat. l. iii. c. 5, and the feeble defence of the Venice Giornale de Letterati, tom. xix. p. 207.) 2. His works were

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with this opinion of Gibbon, which was also that of Reiske, as to the age of the chronicler.—M.

by his contemporaries :<sup>16</sup> but, although he respectfully laid them at the foot of the throne, the pride of Justinian must have been wounded by the praise of a hero, who perpetually eclipses the glory of his inactive sovereign. The conscious dignity of independence was subdued by the hopes and fears of a slave; and the secretary of Belisarius labored for pardon and reward in the six books of the Imperial *edifices*. He had dexterously chosen a subject of apparent splendor, in which he could loudly celebrate the genius, the magnificence, and the piety of a prince, who, both as a conqueror and legislator, had surpassed the puerile virtues of Themistocles and Cyrus.<sup>14</sup> Disappointment might urge the flatterer to secret revenge; and the first glance of favor might again tempt him to suspend and suppress a libel,<sup>17</sup> in which the Roman Cyrus is degraded into an odious and contemptible tyrant, in which both the emperor and his consort Theodora are seriously represented as two dæmons, who had assumed a human form for the destruction of mankind.<sup>18</sup> Such base inconsistency must doubt

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mutilated by the first Latin translators, Christopher Personæ, (Gior nale, tom. xix. p. 340—348.) and Raphael de Volaterra, (Huet, de Claris Interpretibus, p. 166,) who did not even consult the MS. of the Vatican library, of which they were præfects, (Aleman. in Præfat. Anecdôt.) 3. The Greek text was not printed till 1607, by Hoesche lius of Augsburg, (Dictionnaire de Bayle, tom. ii. p. 782.) 4. The Paris edition was imperfectly executed by Claude Maltret, a Jesuit of Toulouse, (in 1663,) far distant from the Louvre press and the Vatican MS., from which, however, he obtained some supplements. His promised commentaries, &c., have never appeared. The Agathias of Leyden (1594) has been wisely reprinted by the Paris editor, with the Latin version of Bonaventura Vulcanius, a learned interpreter, (Huet, p. 176.)\*

<sup>14</sup> Agathias in Præfat. p. 7, 8, l. iv. p. 187. Evagrius, l. iv. c. 12 See likewise Photius, cod. lxxiii. p. 65.

<sup>16</sup> *Κίρον παιδεία* (says he, Præfat. ad l. de Edificiis *περί κτισμάτων*) is no more than *Κίρον παιδεία*—a pun! In these five books, Procopius affects a Christian as well as a courtly style.

<sup>17</sup> Procopius discloses himself, (Præfat. ad Anecdôt. c. 1, 2, 5,) and the anecdotes are reckoned as the ninth book by Suidas, (tom. iii. p. 186, edit. Kuster.) The silence of Evagrius is a poor objection. Baronius (A. D. 548, No. 24) regrets the loss of this secret history: it was then in the Vatican library, in his own custody, and was first published sixteen years after his death, with the learned, but partial notes of Nicholas Alemannus, (Lugd. 1623.)

<sup>18</sup> Justinian an ass—the perfect likeness of Domitian—Anecdôt.

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\* Procopius forms a part of the new Byzantine collection under the superintendence of Dindorf.—M.



less sully the reputation, and detract from the credit, of Procopius: yet, after the venom of his malignity has been suffered to exhale, the residue of the *anecdotes*, even the most disgraceful facts, some of which had been tenderly hinted in his public history, are established by their internal evidence, or the authentic monuments of the times.<sup>18</sup> \* From these various materials, I shall now proceed to describe the reign of Justinian, which will deserve and occupy an ample space. The present chapter will explain the elevation and character of Theodora, the factions of the circus, and the peaceful administration of the sovereign of the East. In the three succeeding chapters, I shall relate the wars of Justinian, which achieved the conquest of Africa and Italy; and I shall follow the victories of Belisarius and Narses, without disguising the vanity of their triumphs, or the hostile virtue of the Persian and Gothic heroes. The series of this and the following volume will embrace the jurisprudence and theology of the emperor; the controversies and sects which still divide the Oriental church; the reformation of the Roman law which is obeyed or respected by the nations of modern Europe.

I. In the exercise of supreme power, the first act of Justinian was to divide it with the woman whom he loved, the famous Theodora,<sup>19</sup> whose strange elevation cannot be ap-

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c. 8.—Theodora's lovers driven from her bed by rival dæmons—her marriage foretold with a great dæmon—a monk saw the prince of the dæmons, instead of Justinian, on the throne—the servants who watched beheld a face without features, a body walking without a head, &c. &c. Procopius declares his own and his friends' belief in these diabolical stories, (c. 12.)

<sup>18</sup> Montesquieu (*Considerations sur la Grandeur et la Décadence des Romains*, c. xx.) gives credit to these anecdotes, as connected, 1. with the weakness of the empire, and, 2. with the instability of Justinian's laws.

<sup>19</sup> For the life and manners of the empress Theodora see the *Anec-*

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\* The *Anecdota* of Procopius, compared with the former works of the same author, appear to me the basest and most disgraceful work in literature. The wars, which he has described in the former volumes as glorious or necessary, are become unprofitable and wanton massacres; the buildings which he celebrated, as raised to the immortal honor of the great emperor, and his admirable queen, either as magnificent embellishments of the city, or useful fortifications for the defence of the frontier, are become works of vain prodigality and useless ostentation. I doubt whether Gibbon has made sufficient allowance for the "malignity" of the *Anecdota*; at all events, the extreme and disgusting profligacy of Theodora's early life eats entirely on it is virtuous libel.—M

plauded as the triumph of female virtue. Under the reign of Anastasius, the care of the wild beasts maintained by the green faction at Constantinople was intrusted to Acacius, a native of the Isle of Cyprus, who, from his employment, was surnamed the master of the bears. This honorable office was given after his death to another candidate, notwithstanding the diligence of his widow, who had already provided a husband and a successor. Acacius had left three daughters, Comito,<sup>21</sup> Theodora, and Anastasia, the eldest of whom did not then exceed the age of seven years. On a solemn festival, these helpless orphans were sent by their distressed and indignant mother, in the garb of suppliants, into the midst of the theatre: the green faction received them with contempt, the blues with compassion; and this difference, which sunk deep into the mind of Theodora, was felt long afterwards in the administration of the empire. As they improved in age and beauty, the three sisters were successively devoted to the public and private pleasures of the Byzantine people: and Theodora, after following Comito on the stage, in the dress of a slave, with a stool on her head, was at length permitted to exercise her independent talents. She neither danced, nor sung, nor played on the flute; her skill was confined to the pantomime arts; she excelled in buffoon characters, and as often as the comedian swelled her cheeks, and complained with a ridiculous tone and gesture of the blows that were inflicted, the whole theatre of Constantinople resounded with laughter and applause. The beauty of Theodora<sup>22</sup> was the subject of more flattering praise, and the source of more exquisite delight. Her features were delicate and regular; her complexion, though somewhat pale, was tinged with a natural color; every sensation was instantly expressed by the vivacity of her eyes; her easy motions displayed the graces of a small but elegant figure; and either love or adulation might proclaim, that painting and poetry were incapable of delineating the matchless excellence of her form.

dotes; more especially c. 1—5, 9, 10—15, 16, 17, with the learned notes of Alemannus—a reference which is always implied.

<sup>21</sup> Comito was afterwards married to Sittas, duke of Armenia, the father, perhaps, at least she might be the mother, of the empress Sophia. Two nephews of Theodora may be the sons of Anastasia, (Alemann. p. 30, 31.)

<sup>22</sup> Her statue was raised at Constantinople, on a porphyry column. See Procopius, (de Edif. l. i. c. 11,) who gives her portrait in the *Anecdotes*, (c. 10.) Alemann. (p. 47) produces one from a Mosaic at Ravenna, loaded with pearls and jewels, and yet handsome.

But this form was degraded by the facility with which it was exposed to the public eye, and prostituted to licentious desire. Her venal charms were abandoned to a promiscuous crowd of citizens and strangers of every rank, and of every profession: the fortunate lover who had been promised a night of enjoyment, was often driven from her bed by a stronger or more wealthy favorite; and when she passed through the streets, her presence was avoided by all who wished to escape either the scandal or the temptation. The satirical historian has not blushed<sup>23</sup> to describe the naked scenes which Theodora was not ashamed to exhibit in the theatre.<sup>24</sup> After exhausting the arts of sensual pleasure,<sup>25</sup> she most ungratefully murmured against the parsimony of Nature;<sup>26</sup> but her murmurs, her pleasures, and her arts, must be veiled in the obscurity of a learned language. After reigning for some time, the delight and contempt of the capital, she condescended to accompany Ecebolus, a native of Tyre, who had obtained the government of the African Pentapolis. But this union was frail and transient; Ecebolus soon rejected an expensive or

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<sup>23</sup> A fragment of the Anecdotes, (c. 9.) somewhat too naked, was suppressed by Alemannus, though extant in the Vatican MS.; nor has the defect been supplied in the Paris or Venice editions. La Mothe le Vayer (tom. viii. p. 155) gave the first hint of this curious and genuine passage, (Jortin's Remarks, vol. iv. p. 366.) which he had received from Rome, and it has been since published in the Menagiana (tom. iii. p. 254—259) with a Latin version.

<sup>24</sup> After the mention of a narrow girdle, (as none could appear stark naked in the theatre,) Procopius thus proceeds: *ἀναπτεναι τε ἐν τῇ ἰδαφῇ ὑπὲρ ἑκείνα*. Θῆτες δὲ τινες . . . κριθεὶς αὐτῇ ὑπερθεὶ τῶν αἰδεσιῶν ἔβριπτον, ἃς δὲ οἱ χήνες, οἱ ἐς τοῦτο παρεσκευασμένοι ἐτύγγανον, τοῖς στόμασι ἐνθενδὲ κατὰ μίαν ἀνελόμενοι ἥσθιον. I have heard that a learned prelate, now deceased, was fond of quoting this passage in conversation.

<sup>25</sup> Theodora surpassed the Crispa of Ausonius, (Epigram lxxi.) who imitated the capitalis luxus of the females of Nola. See Quintilian Institut. viii. 6, and Torrentius ad Horat. Sermon. l. i. sat. 2, v 101. At a memorable supper, thirty slaves waited round the table ten young men feasted with Theodora. Her charity was *universal*.

*Et lassata viris, necdum satiatæ, recessit.*

<sup>26</sup> *Ἡ δὲ καὶ τῶν τριῶν τρυφημάτων ἐργαζομένη ἐνέκαλει τῇ φέσει, δυσφοροῦμένη ὅτι δὴ μὴ καὶ τέττατον αὐτῇ εὐρύτερον ἢ νῦν εἶσι τρυφήν, ὅπως δυνατὴ εἴη καὶ ἐκείνῃ ἐργάζεσθαι*. She wished for a *fourth* altar, on which she might pour libations to the god of love.

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<sup>27</sup> Gibbon should have remembered the axiom which he quotes in another place, *sceleris extendi oportet dum puniantur abscondi flagitia*.—M.

faithless concubine; she was reduced at Alexandria to extreme distress; and in her laborious return to Constantinople, every city of the East admired and enjoyed the fair Cyprian, whose merit appeared to justify her descent from the peculiar island of Venus. The vague commerce of Theodora, and the most detestable precautions, preserved her from the danger which she feared; yet once, and once only, she became a mother. The infant was saved and educated in Arabia, by his father, who imparted to him on his death-bed, that he was the son of an empress. Filled with ambitious hopes, the unsuspecting youth immediately hastened to the palace of Constantinople, and was admitted to the presence of his mother. As he was never more seen, even after the decease of Theodora, she deserves the foul imputation of extinguishing with his life a secret so offensive to her Imperial virtue.

In the most abject state of her fortune, and reputation, some vision, either of sleep or of fancy, had whispered to Theodora the pleasing assurance that she was destined to become the spouse of a potent monarch. Conscious of her approaching greatness, she returned from Paphlagonia to Constantinople; assumed, like a skilful actress, a more decent character; relieved her poverty by the laudable industry of spinning wool; and affected a life of chastity and solitude in a small house, which she afterwards changed into a magnificent temple.\* Her beauty, assisted by art or accident, soon attracted, captivated, and fixed, the patrician Justinian, who already reigned with absolute sway under the name of his uncle. Perhaps she contrived to enhance the value of a gift which she had so often lavished on the meanest of mankind; perhaps she inflamed, at first by modest delays, and at last by sensual allurements, the desires of a lover, who, from nature or devotion, was addicted to long vigils and abstemious diet. When his first transports had subsided, she still maintained the same ascendant over his mind, by the more solid merit of temper and understanding. Justinian delighted to ennoble and enrich the object of his affection; the treasures of the East were poured at her feet, and the nephew of Justin was determined, perhaps by religious scruples, to be-

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\* Anonym. de Antiquitat. C. P. l. iii. 132, in Banduri Imperium Orient. tom. i. p. 48. Ludewig (p. 154) argues sensibly that Theodora would not have immortalized a brothel; but I apply this fact to her second and chaster residence at Constantinople.

stow on his concubine the sacred and legal character of a wife. But the laws of Rome expressly prohibited the marriage of a senator with any female who had been dishonored by a servile origin or theatrical profession: the empress Lupicina, or Euphemia, a Barbarian of rustic manners, but of irreproachable virtue, refused to accept a prostitute for her niece; and even Vigilantia, the superstitious mother of Justinian, though she acknowledged the wit and beauty of Theodora, was seriously apprehensive, lest the levity and arrogance of that artful paramour might corrupt the piety and happiness of her son. These obstacles were removed by the inflexible constancy of Justinian. He patiently expected the death of the empress; he despised the tears of his mother, who soon sunk under the weight of her affliction; and a law was promulgated in the name of the emperor Justin, which abolished the rigid jurisprudence of antiquity. A glorious repentance (the words of the edict) was left open for the unhappy females who had prostituted their persons on the theatre, and they were permitted to contract a legal union with the most illustrious of the Romans.<sup>28</sup> This indulgence was speedily followed by the solemn nuptials of Justinian and Theodora; her dignity was gradually exalted with that of her lover, and, as soon as Justin had invested his nephew with the purple, the patriarch of Constantinople placed the diadem on the heads of the emperor and empress of the East. But the usual honors which the severity of Roman manners had allowed to the wives of princes, could not satisfy either the ambition of Theodora or the fondness of Justinian. He seated her on the throne as an equal and independent colleague in the sovereignty of the empire, and an oath of allegiance was imposed on the governors of the provinces in the joint names of Justinian and Theodora.<sup>29</sup> The Eastern

<sup>28</sup> See the old law in Justinian's Code, (l. v. tit. v. leg. 7, tit. xxvii, leg. 1.) under the years 336 and 454. The new edict (about the year 521 or 522, Aleman. p. 38, 96) very awkwardly repeals no more than the clause of *mulieres scenicae, libertinae, tabernariae*. See the novels 89 and 117, and a Greek rescript from Justinian to the bishops, (Aleman. p. 41.)

<sup>29</sup> I swear by the Father, &c., by the Virgin Mary, by the four Gospels, quæ in manibus teneo, and by the Holy Archangels Michael and Gabriel, puram conscientiam germanumque servitium me servaturum, sacratissimis DDNN. Justiniano et Theodoræ conjugii ejus, (Novell. viii. tit. 8.) Would the oath have been binding in favor of the widow? *Communes tituli et triumpho, &c.*, (Aleman. p. 47, 48.)

world fell prostrate before the genius and fortune of the daughter of Acacius. The prostitute who, in the presence of innumerable spectators, had polluted the theatre of Constantinople, was adored as a queen in the same city, by grave magistrates, orthodox bishops, victorious generals, and captive monarchs."

Those who believe that the female mind is totally depraved by the loss of chastity, will eagerly listen to all the invectives of private envy, or popular resentment which have dissembled the virtues of Theodora, exaggerated her vices, and condemned with rigor the venal or voluntary sins of the youthful harlot. From a motive of shame, or contempt, she often declined the servile homage of the multitude, escaped from the odious light of the capital, and passed the greatest part of the year in the palaces and gardens which were pleasantly seated on the sea-coast of the Propontis and the Bosphorus. Her private hours were devoted to the prudent as well as grateful care of her beauty, the luxury of the bath and table, and the long slumber of the evening and the morning. Her secret apartments were occupied by the favorite women and eunuchs, whose interests and passions she indulged at the expense of justice; the most illustrious personages of the state were crowded into a dark and sultry antechamber, and when at last, after tedious attendance, they were admitted to kiss the feet of Theodora, they experienced, as her humor might suggest, the silent arrogance of an empress, or the capricious levity of a comedian. Her rapacious avarice to accumulate an immense treasure, may be excused by the apprehension of her husband's death, which could leave no alternative between ruin and the throne; and fear as well as ambition might exasperate Theodora against two generals, who, during the malady of the emperor, had rashly declared that they were not disposed to acquiesce in the choice of the capital. But the reproach of cruelty, so repugnant even to her softer vices, has left an indelible stain on the memory of Theodora. Her numerous spies observed, and zealously reported, every action, or word, or look, injurious to their royal mistress. Whomsoever they accused

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" "Let greatness own her, and she's mean no more," &c.

Without Warburton's critical telescope, I should never have seen, in this general picture of triumphant vice, any personal allusion to Theodora.

were cast into her peculiar prisons," inaccessible to the inquiries of justice; and it was rumored, that the torture of the rack, or scourge, had been inflicted in the presence of the female tyrant, insensible to the voice of prayer or of pity.<sup>31</sup> Some of these unhappy victims perished in deep, unwholesome dungeons, while others were permitted, after the loss of their limbs, their reason, or their fortunes, to appear in the world, the living monuments of her vengeance, which was commonly extended to the children of those whom she had suspected or injured. The senator or bishop, whose death or exile Theodora had pronounced, was delivered to a trusty messenger, and his diligence was quickened by a menace from her own mouth. "If you fail in the execution of my commands, I swear by Him who liveth forever, that your skin shall be flayed from your body."<sup>32</sup>

If the creed of Theodora had not been tainted with heresy, her exemplary devotion might have atoned, in the opinion of her contemporaries, for pride, avarice, and cruelty. But, if she employed her influence to assuage the intolerant fury of the emperor, the present age will allow some merit to her religion, and much indulgence to her speculative errors.<sup>33</sup> The name of Theodora was introduced, with equal honor, in all the pious and charitable foundations of Justinian; and the most benevolent institution of his reign may be ascribed to the sympathy of the empress for her less fortunate sisters, who had been seduced or compelled to embrace the trade of prostitution. A palace, on the Asiatic side of the Bosphorus, was converted into a stately and spacious monastery, and a liberal maintenance was assigned to five hundred women, who had been collected from the streets and brothels of Constantinople. In this safe and holy retreat, they were devoted to perpetual confinement; and the despair of some, who threw themselves headlong into the sea, was lost in the grati-

<sup>31</sup> Her prisons, a labyrinth, a Tartarus, (Anecdot. c. 4.) were under the palace. Darkness is propitious to cruelty, but it is likewise favorable to calumny and fiction.

<sup>32</sup> A more jocular whipping was inflicted on Saturninus, for presuming to say that his wife, a favorite of the empress, had not been found *ἐργητος*, (Anecdot. c. 17.)

<sup>33</sup> *Per viventem in sæcula excoari te faciam.* Anastasius de Vitæ Pont. Roman. in Vigilio, p. 40.

<sup>34</sup> Judewig, p. 161—166. I give him credit for the charitable attempt, although he hath not much charity in his temper.

tude of the penitents, who had been delivered from sin and misery by their generous benefactress." The prudence of Theodora is celebrated by Justinian himself; and his laws are attributed to the sage counsels of his most reverend wife, whom he had received as the gift of the Deity." Her courage was displayed amidst the tumult of the people and the terrors of the court. Her chastity, from the moment of her union with Justinian, is founded on the silence of her implacable enemies; and although the daughter of Acacius might be satiated with love, yet some applause is due to the firmness of a mind which could sacrifice pleasure and habit to the stronger sense either of duty or interest. The wishes and prayers of Theodora could never obtain the blessing of a lawful son, and she buried an infant daughter, the sole offspring of her marriage." Notwithstanding this disappointment, her dominion was permanent and absolute; she preserved, by art or merit, the affections of Justinian; and their seeming dissensions were always fatal to the courtiers who believed them to be sincere. Perhaps her health had been impaired by the licentiousness of her youth; but it was always delicate, and she was directed by her physicians to use the Pythian warm baths. In this journey, the empress was followed by the Prætorian præfect, the great treasurer, several counts and patricians, and a splendid train of four thousand attendants: the highways were repaired at her approach; a palace was erected for her reception; and as she passed through Bithynia, she distributed liberal alms to the churches, the monasteries, and the hospitals, that they might implore Heaven for the restoration of her health." At length, in the twenty-fourth year of her marriage, and the twenty-second of her reign, she was consumed by a cancer;" and the irrep-

<sup>26</sup> Compare the anecdotes (c. 17) with the Edifices (l. i. c. 9)—how differently may the same fact be stated! John Malala (tom. ii. p. 174, 175) observes, that on this, or a similar occasion, she released and clothed the girls whom she had purchased from the stews at five aurei apiece.

<sup>27</sup> Novel. viii. 1. An allusion to Theodora. Her enemies read the name *Dæmonodora*, (Aleman. p. 66.)

<sup>28</sup> St. Sabas refused to pray for a son of Theodora, lest he should prove a heretic worse than Anastasius himself, (Cyril in Vit. St. Sabas, apud Aleman. p. 70, 109.)

<sup>29</sup> See John Malala, tom. ii. p. 174. Theophanes, p. 153. Procopius de Edific. l. v. c. 3.

<sup>30</sup> Theodora Chalcedonensis synodi inimica canceris plagâ toto cor-



arable loss was deplored by her husband, who, in the room of a theatrical prostitute, might have selected the purest and most noble virgin of the East.<sup>40</sup>

II. A material difference may be observed in the games of antiquity : the most eminent of the Greeks were actors, the Romans were merely spectators. The Olympic stadium was open to wealth, merit, and ambition ; and if the candidates could depend on their personal skill and activity, they might pursue the footsteps of Diomede and Menelaus, and conduct their own horses in the rapid career.<sup>41</sup> Ten, twenty, forty chariots were allowed to start at the same instant ; a crown of leaves was the reward of the victor ; and his fame, with that of his family and country, was chanted in lyric strains more durable than monuments of brass and marble. But a senator, or even a citizen, conscious of his dignity, would have blushed to expose his person, or his horses, in the circus of Rome. The games were exhibited at the expense of the republic, the magistrates, or the emperors : but the reins were abandoned to servile hands ; and if the profits of a favorite charioteer sometimes exceeded those of an advocate, they must be considered as the effects of popular extravagance, and the high wages of a disgraceful profession. The race, in its first institution, was a simple contest of two chariots, whose drivers were distinguished by *white* and *red* liveries : two additional colors, a light *green*, and a *cærulean blue*, were afterwards introduced ; and as the races were repeated twenty-five times, one hundred chariots contributed in the same day to the pomp of the circus. The four *factions* soon acquired a legal establishment, and a mysterious origin,

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pore perfusa vitam prodigiöse finivit, (Victor Tununensis in Chron.) On such occasions, an orthodox mind is steeled against pity. Alemanus (p. 12, 13) understands the *εὐσεβίας ἐκσιμῆθη* of Theophanes as civil language, which does not imply either piety or repentance ; yet two years after her death, St. Theodora is celebrated by Paul Silentiarius, (in poem. v. 58—62.)

<sup>40</sup> As she persecuted the popes, and rejected a council, Baronius exhausts the names of Eve, Dalila, Herodias, &c. ; after which he has recourse to his infernal dictionary : *civis inferni—alumna dæmonum—satanico agitata spiritu—œstro percita diabolico*, &c., &c., (A. D. 548, No. 24.)

<sup>41</sup> Read and feel the *xxiid* book of the *Iliad*, a living picture of manners, passions, and the whole form and spirit of the chariot race. West's Dissertation on the Olympic Games (sect. xii.—xvii.) affords much curious and authentic information.

and their fanciful colors were derived from the various appearances of nature in the four seasons of the year; the red dogstar of summer, the snows of winter, the deep shades of autumn, and the cheerful verdure of the spring.<sup>42</sup> Another interpretation preferred the elements to the seasons, and the struggle of the green and blue was supposed to represent the conflict of the earth and sea. Their respective victories announced either a plentiful harvest or a prosperous navigation, and the hostility of the husbandmen and mariners was somewhat less absurd than the blind ardor of the Roman people, who devoted their lives and fortunes to the color which they had espoused. Such folly was disdained and indulged by the wisest princes; but the names of Caligula, Nero, Vitellius, Vespasian, Commodus, Caracalla, and Elagabalus, were enrolled in the blue or green factions of the circus; they frequented their stables, applauded their favorites, chastised their antagonists, and deserved the esteem of the populace, by the natural or affected imitation of their manners. The bloody and tumultuous contest continued to disturb the public festivity, till the last age of the spectacles of Rome; and Theodoric, from a motive of justice or affection, interposed his authority to protect the greens against the violence of a consul and a patrician, who were passionately addicted to the blue faction of the circus.<sup>43</sup>

Constantinople adopted the follies, though not the virtues, of ancient Rome; and the same factions which had agitated the circus, raged with redoubled fury in the hippodrome. Under the reign of Anastasius, this popular frenzy was inflamed by religious zeal; and the greens, who had treacherously concealed stones and daggers under baskets of fruit, massacred, at a solemn festival, three thousand of their blue adversaries.<sup>44</sup> From this capital, the pestilence was diffused

<sup>42</sup> The four colors, *albati, russati, prasini, veneti*, represent the four seasons, according to Cassiodorus, (Var. iii. 51.) who lavishes much wit and eloquence on this theatrical mystery. Of these colors, the three first may be fairly translated *white, red, and green*. *Venetus* is explained by *ceruleus*, a word various and vague: it is properly the sky reflected in the sea; but custom and convenience may allow *blue* as an equivalent, (Robert. Stephan. sub voce. Spence's Polymetis, p. 228.)

<sup>43</sup> See Onuphrius Panvinus de Ludis Circensibus, l. i. c. 10, 11; the xviii. Annotation on Mascon's History of the Germans; and Aleman ad c. vii.

<sup>44</sup> Marcellin. in Chron. p. 47. Instead of the vulgar word *veneta*, c\*

into the provinces and cities of the East, and the sportive distinction of two colors produced two strong and irreconcilable factions, which shook the foundations of a feeble government.<sup>45</sup> The popular dissensions, founded on the most serious interest, or holy pretence, have scarcely equalled the obstinacy of this wanton discord, which invaded the peace of families, divided friends and brothers, and tempted the female sex, though seldom seen in the circus, to espouse the inclinations of their lovers, or to contradict the wishes of their husbands. Every law, either human or divine, was trampled under foot, and as long as the party was successful, its deluded followers appeared careless of private distress or public calamity. The license, without the freedom, of democracy, was revived at Antioch and Constantinople, and the support of a faction became necessary to every candidate for civil or ecclesiastical honors. A secret attachment to the family or sect of Anastasius was imputed to the greens; the blues were zealously devoted to the cause of orthodoxy and Justinian,<sup>46</sup> and their grateful patron protected, above five years, the disorders of a faction, whose seasonable tumults overawed the palace, the senate, and the capitals of the East. Insolent with royal favor, the blues affected to strike terror by a peculiar and Barbaric dress, the long hair of the Huns, their close sleeves and ample garments, a lofty step, and a sonorous voice. In the day they concealed their two-edged poniards, but in the night they boldly assembled in arms, and in numerous bands, prepared for every act of violence and rapine. Their adversaries of the green faction, or even inoffensive citizens, were stripped and often murdered by these nocturnal robbers, and it became dangerous to wear any gold buttons or girdles, or to appear at a late hour in the streets of a peaceful capital. A daring spirit, rising with impunity, proceeded to violate the

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he uses the more exquisite terms of *carulea* and *carrealia*. Baronius (A. D. 501, No. 4, 5, 6) is satisfied that the blues were orthodox; but Tillemont is angry at the supposition, and will not allow any martyrs in a playhouse, (Hist. des Emp. tom. vi. p. 554.)

<sup>45</sup> See Procopius, (Persic. l. i. c. 24.) In describing the vices of the factions and of the government, the *public*, is not more favorable than the *secret*, historian. Aleman. (p. 26) has quoted a fine passage from Gregory Nazianzen, which proves the inveteracy of the evil.

<sup>46</sup> The partiality of Justinian for the blues (Anecd. c. 7) is attested by Evagrius, (Hist. Eccles. l. iv. c. 32,) John Malala, (tom. ii. p. 138, 139,) especially for Antioch; and Theophanes, (p. 142.)

safeguard of private houses; and fire was employed to facilitate the attack, or to conceal the crimes of these factious rioters. No place was safe or sacred from their depredations; to gratify either avarice or revenge, they profusely spilt the blood of the innocent; churches and altars were polluted by atrocious murders; and it was the boast of the assassins, that their dexterity could always inflict a mortal wound with a single stroke of their dagger. The dissolute youth of Constantinople adopted the blue livery of disorder; the laws were silent, and the bonds of society were relaxed: creditors were compelled to resign their obligations; judges to reverse their sentence; masters to enfranchise their slaves; fathers to supply the extravagance of their children; noble matrons were prostituted to the lust of their servants; beautiful boys were torn from the arms of their parents; and wives, unless they preferred a voluntary death, were ravished in the presence of their husbands.<sup>47</sup> The despair of the greens, who were persecuted by their enemies, and deserted by the magistrates, assumed the privilege of defence, perhaps of retaliation; but those who survived the combat were dragged to execution, and the unhappy fugitives, escaping to woods and caverns, preyed without mercy on the society from whence they were expelled. Those ministers of justice who had courage to punish the crimes, and to brave the resentment, of the blues, became the victims of their indiscreet zeal; a præfect of Constantinople fled for refuge to the holy sepulchre, a count of the East was ignominiously whipped, and a governor of Cilicia was hanged, by the order of Theodora, on the tomb of two assassins whom he had condemned for the murder of his groom, and a daring attack upon his own life.<sup>48</sup> An aspiring candidate may be tempted to build his greatness on the public confusion, but it is the interest as well as duty of a sovereign to maintain the authority of the laws. The first edict of Justinian, which was often repeated, and sometimes executed, announced his firm resolution to support the

<sup>47</sup> A wife, (says Procopius,) who was seized and almost ravished by a blue-coat, threw herself into the Bosphorus. The bishops of the second Syria (Aleman, p. 26) deplore a similar suicide, the guilt or glory of female chastity, and name the heroine.

<sup>48</sup> The doubtful credit of Procopius (Anecd. c. 17) is supported by the less partial Evagrius, who confirms the fact, and specifies the names. The tragic fate of the præfect of Constantinople is related by John Malala, (tom. ii. p. 139.)

innocent, and to chastise the guilty, of every denomination and color. Yet the balance of justice was still inclined in favor of the blue faction, by the secret affection, the habits, and the fears of the emperor; his equity, after an apparent struggle, submitted, without reluctance, to the implacable passions of Theodora, and the empress never forgot, or forgave, the injuries of the comedian. At the accession of the younger Justin, the proclamation of equal and rigorous justice indirectly condemned the partiality of the former reign. "Ye blues, Justinian is no more! ye greens, he is still alive!"

A sedition, which almost laid Constantinople in ashes, was excited by the mutual hatred and momentary reconciliation of the two factions. In the fifth year of his reign, Justinian celebrated the festival of the ides of January; the games were incessantly disturbed by the clamorous discontent of the greens: till the twenty-second race, the emperor maintained his silent gravity; at length, yielding to his impatience, he condescended to hold, in abrupt sentences, and by the voice of a crier, the most singular dialogue<sup>40</sup> that ever passed between a prince and his subjects. Their first complaints were respectful and modest; they accused the subordinate ministers of oppression, and proclaimed their wishes for the long life and victory of the emperor. "Be patient and attentive, ye insolent railers!" exclaimed Justinian; "be mute, ye Jews, Samaritans, and Manichæans!" The greens still attempted to awaken his compassion. "We are poor, we are innocent, we are injured, we dare not pass through the streets: a general persecution is exercised against our name and color. Let us die, O emperor! but let us die by your command, and for your service!" But the repetition of partial and passionate invectives degraded, in their eyes, the majesty of the purple; they renounced allegiance to the prince who refused justice to his people; lamented that the father of Justinian had been born; and branded his son with the opprobrious names of a homi-

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<sup>40</sup> See John Malala, (tom. ii. p. 147;) yet he owns that Justinian was attached to the blues. The seeming discord of the emperor and Theodora is, perhaps, viewed with too much jealousy and refinement by Procopius, (Anecd. c. 10.) See Aleman. Præfat. p. 6.

<sup>41</sup> This dialogue, which Theophanes has preserved, exhibits the popular language, as well as the manners, of Constantinople, in the sixth century. Their Greek is mingled with many strange and barbarous words, for which Ducange cannot always find a meaning or etymology.

side, an ass, and a perjured tyrant. "Do you despise **your** lives?" cried the indignant monarch: the blues rose with fury from their seats; their hostile clamors thundered in the hippodrome; and their adversaries, deserting the unequal contest, spread terror and despair through the streets of Constantinople. At this dangerous moment, seven notorious assassins of both factions, who had been condemned by the præfect, were carried round the city, and afterwards transported to the place of execution in the suburb of Pera. Four were immediately beheaded; a fifth was hanged: but when the same punishment was inflicted on the remaining two, the rope broke, they fell alive to the ground, the populace applauded their escape, and the monks of St. Conon, issuing from the neighboring convent, conveyed them in a boat to the sanctuary of the church.<sup>a</sup> As one of these criminals was of the blue, and the other of the green livery, the two factions were equally provoked by the cruelty of their oppressor, or the ingratitude of their patron; and a short truce was concluded till they had delivered their prisoners and satisfied their revenge. The palace of the præfect, who withstood the seditious torrent, was instantly burnt, his officers and guards were massacred, the prisons were forced open, and freedom was restored to those who could only use it for the public destruction. A military force, which had been despatched to the aid of the civil magistrate, was fiercely encountered by an armed multitude, whose numbers and boldness continually increased; and the Heruli, the wildest Barbarians in the service of the empire, overturned the priests and their relics, which, from a pious motive, had been rashly interposed to separate the bloody conflict. The tumult was exasperated by this sacrilege, the people fought with enthusiasm in the cause of God; the women, from the roofs and windows, showered stones on the heads of the soldiers, who darted fire brands against the houses; and the various flames, which had been kindled by the hands of citizens and strangers, spread without control over the face of the city. The conflagration involved the cathedral of St. Sophia, the baths of Zeuxippus, a part of the palace, from the first entrance to the altar of Mars, and the long portico from the palace to the forum of Constantine: a large hospital, with the sick patients, was consumed; many churches and stately edifices were destroyed,

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<sup>a</sup> See this church and monastery in Ducange, C. P. Christiana, l. iv  
p. 162.

and an immense treasure of gold and silver was either melted or lost. From such scenes of horror and distress, the wise and wealthy citizens escaped over the Bosphorus to the Asiatic side; and during five days Constantinople was abandoned to the factions, whose watchword, *NIKA, vanquish!* has given a name to this memorable sedition."

As long as the factions were divided, the triumphant blues, and desponding greens, appeared to behold with the same indifference the disorders of the state. They agreed to censure the corrupt management of justice and the finance; and the two responsible ministers, the artful Tribonian, and the rapacious John of Cappadocia, were loudly arraigned as the authors of the public misery. The peaceful murmurs of the people would have been disregarded: they were heard with respect when the city was in flames; the quæstor, and the præfect, were instantly removed, and their offices were filled by two senators of blameless integrity. After this popular concession, Justinian proceeded to the hippodrome to confess his own errors, and to accept the repentance of his grateful subjects; but they distrusted his assurances, though solemnly pronounced in the presence of the holy Gospels; and the emperor, alarmed by their distrust, retreated with precipitation to the strong fortress of the palace. The obstinacy of the tumult was now imputed to a secret and ambitious conspiracy, and a suspicion was entertained, that the insurgents, more especially the green faction, had been supplied with arms and money by Hypatius and Pompey, two patricians, who could neither forget with honor, nor remember with safety, that they were the nephews of the emperor Anastasius. Capriciously trusted, disgraced, and pardoned, by the jealous levity of the monarch, they had appeared as loyal servants before the throne; and, during five days of the tumult, they were detained as important hostages; till at length, the fears of Justinian prevailing over his prudence, he viewed the two brothers in the light of spies, perhaps of assassins, and sternly commanded them to depart from the palace. After a fruitless representation, that obedience might lead to involuntary treason, they retired to their houses, and in the morning of the sixth day, Hypatius was surrounded and seized by the people,

" The history of the *Nika* sedition is extracted from Marcellinus, (in Chron.,) Procopius, (Persic. l. i. c. 26,) John Malala, (tom. ii. p. 218—218,) Chron. Paschal., (p. 336—340,) Theophanes, (Chronograph. p. 154—158,) and Zonaras, (l. xiv. p. 61—63.)

who, regardless of his virtuous resistance, and the tears of his wife, transported their favorite to the forum of Constantine, and instead of a diadem, placed a rich collar on his head. If the usurper, who afterwards pleaded the merit of his delay, had complied with the advice of his senate, and urged the fury of the multitude, their first irresistible effort might have oppressed or expelled his trembling competitor. The Byzantine palace enjoyed a free communication with the sea; vessels lay ready at the garden stairs; and a secret resolution was already formed, to convey the emperor with his family and treasures to a safe retreat, at some distance from the capital.

Justinian was lost, if the prostitute whom he raised from the theatre had not renounced the timidity, as well as the virtues, of her sex. In the midst of a council, where Belisarius was present, Theodora alone displayed the spirit of a hero; and she alone, without apprehending his future hatred, could save the emperor from the imminent danger, and his unworthy fears. "If flight," said the consort of Justinian, "were the only means of safety, yet I should disdain to fly. Death is the condition of our birth; but they who have reigned should never survive the loss of dignity and dominion. I implore Heaven, that I may never be seen, not a day, without my diadem and purple; that I may no longer behold the light, when I cease to be saluted with the name of queen. If you resolve, O Cæsar! to fly, you have treasures; behold the sea, you have ships; but tremble lest the desire of life should expose you to wretched exile and ignominious death. For my own part, I adhere to the maxim of antiquity, that the throne is a glorious sepulchre." The firmness of a woman restored the courage to deliberate and act, and courage soon discovers the resources of the most desperate situation. It was an easy and a decisive measure to revive the animosity of the factions; the blues were astonished at their own guilt and folly, that a trifling injury should provoke them to conspire with their implacable enemies against a gracious and liberal benefactor; they again proclaimed the majesty of Justinian; and the greens, with their upstart emperor, were left alone in the hippodrome. The fidelity of the guards was doubtful; but the military force of Justinian consisted in three thousand veterans, who had been trained to valor and discipline in the Persian and Illyrian wars. Under the command of Belisarius and Mundus, they silently marched in two divisions from the palace, forced their obscure way through nar-



row passages, expiring flames, and falling edifices, and burst open at the same moment the two opposite gates of the hippodrome. In this narrow space, the disorderly and affrighted crowd was incapable of resisting on either side a firm and regular attack; the blues signalized the fury of their repentance; and it is computed, that above thirty thousand persons were slain in the merciless and promiscuous carnage of the day. Hypatius was dragged from his throne, and conducted, with his brother Pompey, to the feet of the emperor: they implored his clemency; but their crime was manifest, their innocence uncertain, and Justinian had been too much terrified to forgive. The next morning the two nephews of Anastasius, with eighteen *illustrious* accomplices, of patrician or consular rank, were privately executed by the soldiers; their bodies were thrown into the sea, their palaces razed, and their fortunes confiscated. The hippodrome itself was condemned, during several years, to a mournful silence: with the restoration of the games, the same disorders revived; and the blue and green factions continued to afflict the reign of Justinian, and to disturb the tranquillity of the Eastern empire."

III. That empire, after Rome was barbarous, still embraced the nations whom she had conquered beyond the Adriatic, and as far as the frontiers of Æthiopia and Persia. Justinian reigned over sixty-four provinces, and nine hundred and thirty-five cities;" his dominions were blessed by nature with the advantages of soil, situation, and climate: and the improvements of human art had been perpetually diffused along the coast of the Mediterranean and the banks of the Nile from ancient Troy to the Egyptian Thebes. Abraham" had been relieved by the well-known plenty of Egypt; the same country, a small and populous tract, was still capable

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" Marcellinus says in general terms, innumeris populis in circæ trucidatis. Procopius numbers 30,000 victims: and the 35,000 of Theophanes are swelled to 40,000 by the more recent Zonaras. Such is the usual progress of exaggeration.

" Hierocles, a contemporary of Justinian, composed his *Συνδεχόμενα*, (Itineraria, p. 631,) or review of the eastern provinces and cities, before the year 535, (Wesseling, in Præfat. and Not. ad p. 623, &c.)

" See the Book of Genesis (xii. 10) and the administration of Joseph. The annals of the Greeks and Hebrews agree in the early abundance and plenty of Egypt: but this antiquity supposes a long series of movement; and Warburton, who is almost stilled by the Hebrew

of exporting, each year, two hundred and sixty thousand quarters of wheat for the use of Constantinople; and the capital of Justinian was supplied with the manufactures of Sidon, fifteen centuries after they had been celebrated in the poems of Homer.\* The annual powers of vegetation, instead of being exhausted by two thousand harvests, were renewed and invigorated by skilful husbandry, rich manure, and seasonable repose. The breed of domestic animals was infinitely multiplied. Plantations, buildings, and the instruments of labor and luxury, which are more durable than the term of human life, were accumulated by the care of successive generations. Tradition preserved, and experience simplified, the humble practice of the arts: society was enriched by the division of labor and the facility of exchange; and every Roman was lodged, clothed, and subsisted, by the industry of a thousand hands. The invention of the loom and distaff has been piously ascribed to the gods. In every age, a variety of animal and vegetable productions, hair, skins, wool, flax, cotton, and at length *silk*, have been skilfully manufactured to hide or adorn the human body; they were stained with an infusion of permanent colors; and the pencil was successfully employed to improve the labors of the loom. In the choice of those colors\*\* which imitate the beauties of nature,

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calls aloud for the Samaritan, Chronology, (Divine Legation, vol. iii. p. 29, &c.) \*

\*\* Eight millions of Roman modii, besides a contribution of 80,000 aurei for the expenses of water-carriage, from which the subject was graciously excused. See the 13th Edict of Justinian: the numbers are checked and verified by the agreement of the Greek and Latin texts.

\*\* Homer's *Iliad*, vi. 289. These veils, *πέπλοι παντοίηλοι*, were the work of the Sidonian women. But this passage is more honorable to the manufactures than to the navigation of Phœnicia, from whence they had been imported to Troy in Phrygian bottoms.

\*\* See in Ovid (*de Arte Amandi*, iii. 269, &c.) a poetical list of twelve colors borrowed from flowers, the elements, &c. But it is almost impossible to discriminate by words all the nice and various shades both of art and nature.

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\* The recent extraordinary discoveries in Egyptian antiquities strongly confirm the high notion of the early Egyptian civilization, and imperatively demand a longer period for their development. As to the common Hebrew chronology, as far as such a subject is capable of demonstration, it appears to me to have been framed, with a particular view, by the Jews of Tiberias. It was not the chronology of the Samaritans, not that of the LXX., not that of Josephus, not that of St. Paul.—M

the freedom of taste and fashion was indulged; but the deep purple" which the Phœnicians extracted from a shell-fish, was restrained to the sacred person and palace of the emperor; and the penalties of treason were denounced against the ambitious subjects who dared to usurp the prerogative of the throne."

I need not explain that *silk*" is originally spun from the bowels of a caterpillar, and that it composes the golden tomb, from whence a worm emerges in the form of a butterfly. Till the reign of Justinian, the silk-worm who feed on the leaves of the white mulberry-tree were confined to China; those of the pine, the oak, and the ash, were common in the forests both of Asia and Europe; but as their education is more difficult, and their produce more uncertain, they were generally neglected, except in the little island of Ceos, near the coast of Attica. A thin gauze was procured from their webs, and this Cean manufacture, the invention of a woman, for female use, was long admired both in the East and at Rome. Whatever suspicions may be raised by the garments of the Medes and Assyrians, Virgil is the most ancient writer, who expressly mentions the soft wool which was combed from the trees of the Seres or Chinese;" and this natural error, less

" By the discovery of cochineal, &c., we far surpass the colors of antiquity. Their royal purple had a strong smell, and a dark cast as deep as bull's blood—*obscuritas rubens*, (says Cassiodorus, Var. 1, 2,) *nigredo sanguinea*. The president Goguet (*Origine des Loix et des Arts*, part ii. l. ii. c. 2, p. 184—215) will amuse and satisfy the reader. I doubt whether his book, especially in England, is as well known as it deserves to be.

" Historical proofs of this jealousy have been occasionally introduced, and many more might have been added; but the arbitrary acts of despotism were justified by the sober and general declarations of law, (Codex Theodosian. l. x. tit. 21, leg. 8. Codex Justinian. l. xi. tit. 8, leg. 5.) An inglorious permission, and necessary restriction, was applied to the *minæ*, the female dancers, (Cod. Theodoe. l. xv. tit. 7, leg. 11.)

" In the history of insects (far more wonderful than Ovid's *Metamorphoses*) the silk-worm holds a conspicuous place. The bombyx of the Isle of Ceos, as described by Pliny, (*Hist. Natur.* xi. 26, 27, with the notes of the two learned Jesuits, Hardouin and Brotier,) may be illustrated by a similar species in China, (*Mémoires sur les Chinois*, tom. ii. p. 575—598;) but our silk-worm, as well as the white mulberry-tree, were unknown to Theophrastus and Pliny.

" *Georgic* ii. 121. *Serica quando venerint in usum planissime non æcio; suspicor tamen in Julii Cæsaris ævo, nam ante non invenio*, says Justus Lipsius, (*Excursus* i. ad Tacit. *Annal.* ii. 32.) See Dion Cas-

marvellous than the truth, was slowly corrected by the knowledge of a valuable insect, the first artificer of the luxury of nations. That rare and elegant luxury was censured, in the reign of Tiberius, by the gravest of the Romans; and Pliny, in affected though forcible language, has condemned the thirst of gain, which explores the last confines of the earth, for the pernicious purpose of exposing to the public eye naked draperies and transparent matrons.\* A dress which showed the turn of the limbs, and color of the skin, might gratify vanity, or provoke desire; the silks which had been closely woven in China were sometimes unravelled by the Phœnician women, and the precious materials were multiplied by a looser texture, and the intermixture of linen threads." Two hundred years after the age of Pliny, the use of pure, or even of mixed silks, was confined to the female sex, till the opulent citizens of Rome and the provinces were insensibly familiarized with the example of Elagabalus, the first who, by this effeminate habit, had sullied the dignity of an emperor and a man. Aurelian complained, that a pound of silk was sold at Rome for twelve ounces of gold; but the supply increased with the demand, and the price diminished with the supply. If accident or monopoly sometimes raised the value even above the standard of Aurelian, the manufacturers of Tyre and Berytus were sometimes compelled, by the operation of the same causes, to content themselves with a ninth part of that extravagant rate." A law was thought necessary to dis-

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sius, (l. xliii. p. 358, edit. Reimar.) and Pausanius, (l. vi. p. 519,) the first who describes, however strangely, the Seric insect.

" Tam longinquo orbe petitur, ut in publico matrona transluceat . . . ut denudet feminas vestia, (Plin. vi. 20, xi. 21.) Varro and Publius Syrus had already played on the Toga vitrea, ventus texilis, and nebula linen, (Horat. Sermon. i. 2, 101, with the notes of Torrentius and Dacier.)

" On the texture, colors, names, and use of the silk, half silk, and linen garments of antiquity, see the profound, diffuse, and obscure researches of the great Salmasius, (in Hist. August. p. 127, 309, 310, 339, 341, 342, 344, 388—391, 395, 513,) who was ignorant of the most common trades of Dijon or Leyden.

" Flavius Vopiscus in Aurelian. c. 45, in Hist. August. p. 224. See Salmasius ad Hist. Aug. p. 392, and Plinian. Exercitat. in Solinum, p. 694, 695. The Anecdotes of Procopius (c. 25) state a partial and imperfect rate of the price of silk in the time of Justinian.

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\* Gibbon must have written *transparent* draperies and *naked* matrons. Though sometimes affected, he is never inaccurate.—M.

criminate the dress of comedians from that of senators; and of the silk exported from its native country the far greater part was consumed by the subjects of Justinian. They were still more intimately acquainted with a shell-fish of the Mediterranean, surnamed the silk-worm of the sea: the fine wool or hair by which the mother-of-pearl affixes itself to the rock is now manufactured for curiosity rather than use; and a robe obtained from the same singular materials was the gift of the Roman emperor to the satraps of Armenia.\*

A valuable merchandise of small bulk is capable of defraying the expense of land-carriage; and the caravans traversed the whole latitude of Asia in two hundred and forty-three days from the Chinese Ocean to the sea-coast of Syria. Silk was immediately delivered to the Romans by the Persian merchants,<sup>67</sup> who frequented the fairs of Armenia and Nisibis; but this trade, which in the intervals of truce was oppressed by avarice and jealousy, was totally interrupted by the long wars of the rival monarchies. The great king might proudly number Sogdiana, and even *Serica*, among the provinces of his empire; but his real dominion was bounded by the Oxus and his useful intercourse with the Sogdoites, beyond the river, depended on the pleasure of their conquerors, the white Huns, and the Turks, who successively reigned over that industrious people. Yet the most savage dominion has not extirpated the seeds of agriculture and commerce, in a region which is celebrated as one of the four gardens of Asia; the cities of Samarcand and Bochara are advantageously seated for the exchange of its various productions; and their merchants purchased from the Chinese,<sup>68</sup> the raw or manufac-

<sup>66</sup> Procopius de Edit. l. iii. c. 1. These *pinnes de mer* are found near Smyrna, Sicily, Corsica, and Minorca; and a pair of gloves of their silk was presented to Pope Benedict XIV.

<sup>67</sup> Procopius, Persic. l. i. c. 20, l. ii. c. 25; Gothic. l. iv. c. 17. Menander in Excerpt. Legat. p. 107. Of the Parthian or Persian empire, Isidore of Charax (in *Stathmis Parthicis*, p. 7, 8, in Hudson, Geography. Minor. tom. ii.) has marked the roads, and Ammianus Marcellinus (l. xxiii. c. 6, p. 400) has enumerated the provinces.\*

<sup>68</sup> The blind admiration of the Jesuits confounds the different periods of the Chinese history. They are more critically distinguished by M. de Guignes, (*Hist. des Huns*, tom. i. part i. in the Tables, part ii. in the Geography. *Mémoires de l'Académie des Inscriptions*, tom. xxxii. xxxvi. xlii. xliii.) who discovers the gradual progress of the

\* See St. Martin, *Mém. sur l'Arménie*, vol. ii. p. 41.—M.

ured silk which they transported into Persia for the use of the Roman empire. In the vain capital of China, the Sogdian caravans were entertained as the suppliant embassies of tributary kingdoms, and if they returned in safety, the bold adventure was rewarded with exorbitant gain. But the difficult and perilous march from Samarcand to the first town of Shemai, could not be performed in less than sixty, eighty, or one hundred days: as soon as they had passed the Jaxartes they entered the desert; and the wandering hordes, unless they are restrained by armies and garrisons, have always considered the citizen and the traveller as the objects of lawful rapine. To escape the Tartar robbers, and the tyrants of Persia, the silk caravans explored a more southern road; they traversed the mountains of Thibet, descended the streams of the Ganges or the Indus, and patiently expected, in the ports of Guzerat and Malabar, the annual fleets of the West.\* But the dangers of the desert were found less intolerable than toil, hunger, and the loss of time; the attempt was seldom renewed, and the only European who has passed that unfrequented way, applauds his own diligence, that, in nine months after his departure from Pekin, he reached the mouth of the Indus. The ocean, however, was open to the free communication of mankind. From the great river to the tropic of Cancer, the provinces of China were subdued and civilized by the emperors of the North; they were filled about the time of the Christian æra with cities and men, mulberry-trees and their precious inhabitants; and if the Chinese, with the knowledge of the compass, had possessed the genius of the Greeks or Phœnicians, they might have spread their dis-

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truth of the annals and the extent of the monarchy, till the Christian æra. He has searched, with a curious eye, the connections of the Chinese with the nations of the West; but these connections are slight, casual, and obscure; nor did the Romans entertain a suspicion that the Seres or Sinsæ possessed an empire not inferior to their own.\*

\*\* The roads from China to Persia and Hindostan may be investigated in the relations of Hackluyt and Thevenot, the ambassadors of Sharokh, Anthony Jenkinson, the Père Greuber, &c. See likewise Hanway's *Travels*, vol. i. p. 345—357. A communication through Thibet has been lately explored by the English sovereigns of Bengal.

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\* An abstract of the various opinions of the learned modern writers, Güsselin, Mannert, Lelewel, Malte-Brun, Heeren, and La Treille, on the *Seres* and the *Things* of the ancients, may be found in the new edition of Malte-Brun, vol. vi. p. 368. 382.—M.

coveries over the southern hemisphere. I am not qualified to examine, and I am not disposed to believe, their distant voyages to the Persian Gulf, or the Cape of Good Hope; but their ancestors might equal the labors and success of the present race, and the sphere of their navigation might extend from the Isles of Japan to the Straits of Malacca, the pillars, if we may apply that name, of an Oriental Hercules.<sup>10</sup> Without losing sight of land, they might sail along the coast to the extreme promontory of Achin, which is annually visited by ten or twelve ships laden with the productions, the manufactures, and even the artificers of China; the Island of Sumatra and the opposite peninsula are faintly delineated<sup>11</sup> as the regions of gold and silver; and the trading cities named in the geography of Ptolemy may indicate, that this wealth was not solely derived from the mines. The direct interval between Sumatra and Ceylon is about three hundred leagues: the Chinese and Indian navigators were conducted by the flight of birds and periodical winds; and the ocean might be securely traversed in square-built ships, which, instead of iron, were sewed together with the strong thread of the cocconut. Ceylon, Serendib, or Taprobana, was divided between two hostile princes; one of whom possessed the mountains, the elephants, and the luminous carbuncle, and the other enjoyed the more solid riches of domestic industry, foreign trade, and the capacious harbor of Trinque-male, which received and dismissed the fleets of the East and West. In this hospitable isle, at an equal distance (as it was computed, from their respective countries, the silk merchants of China, who had collected in their voyages aloes, cloves, nutmeg, and sandal wood, maintained a free and beneficial commerce with the inhabitants of the Persian Gulf. The subjects of the

<sup>10</sup> For the Chinese navigation to Malacca and Achin, perhaps to Ceylon, see Renaudot, (on the two Mahometan Travellers, p. 8—11, 13—17, 141—157;) Dampier, (vol. ii. p. 136;) the *Hist. Philosophique des deux Indes*, (tom. i. p. 98,) and *Hist. Générale des Voyages*, (tom. vi. p. 201.)

<sup>11</sup> The knowledge, or rather ignorance, of Strabo, Pliny, Ptolemy, Arrian, Marcian, &c., of the countries eastward of Cape Comorin, is finely illustrated by D'Anville, (*Antiquité Géographique de l'Inde*, especially p. 161—198.) Our geography of India is improved by commerce and conquest; and has been illustrated by the excellent maps and memoirs of Major Rennel. If he extends the sphere of his inquiries with the same critical knowledge and sagacity, he will succeed, and may surpass, the first of modern geographers.

great king exalted, without a rival, his power and magnificence: and the Roman, who confounded their vanity by comparing his paltry coin with a gold medal of the emperor Anastasius, had sailed to Ceylon, in an Æthiopian ship, as a simple passenger.<sup>72</sup>

As silk became of indispensable use, the emperor Justinian saw with concern that the Persians had occupied by land and sea the monopoly of this important supply, and that the wealth of his subjects was continually drained by a nation of enemies and idolaters. An active government would have restored the trade of Egypt and the navigation of the Red Sea, which had decayed with the prosperity of the empire; and the Roman vessels might have sailed, for the purchase of silk, to the ports of Ceylon, of Malacca, or even of China. Justinian embraced a more humble expedient, and solicited the aid of his Christian allies, the Æthiopians of Abyssinia, who had recently acquired the arts of navigation, the spirit of trade, and the seaport of Adulis,<sup>73</sup> \* still decorated with the trophies of a Grecian conqueror. Along the African coast, they penetrated to the equator in search of gold, emeralds, and aromatics; but they wisely declined an unequal competition, in which they must be always prevented by the vicinity of the Persians to the markets of India; and the emperor submitted to the disappointment, till his wishes were gratified by an unexpected event. The gospel had been preached to the Indians: a bishop already governed the Christians of St. Thomas on the pepper-coast of Malabar; a church was

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<sup>72</sup> The Taprobane of Pliny, (vi. 24.) Solinus, (c. 53,) and Salmas. *Plinianæ Exercitat.*, (p. 781, 782,) and most of the ancients, who often confound the islands of Ceylon and Sumatra, is more clearly described by Cosmas Indicopleustes; yet even the Christian topographer has exaggerated its dimensions. His information on the Indian and Chinese trade is rare and curious, (l. ii. p. 138. l. xi. p. 337, 338, edit. Montfaucon.)

<sup>73</sup> See Procopius, *Persic.* (l. ii. c. 20.) Cosmas affords some interesting knowledge of the port and inscription of Adulis, (*Topograph. Christ.* l. ii. p. 138, 140—143,) and of the trade of the Arumites along the African coast of Barbaria or Zingi, (p. 138, 139,) and as far as Taprobane, (l. xi. p. 339.)

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\* Mr. Salt obtained information of considerable ruins of an ancient town near Zulla, called Azool, which answers to the position of Adelia. Mr. Salt was prevented by illness, Mr. Stuart, whom he sent, by the jealousy of the natives, from investigating these ruins: of their existence there seems no doubt. Salt's 2d Journey. p. 452.—M



planted in Ceylon, and the missionaries pursued the footsteps of commerce to the extremities of Asia.<sup>74</sup> Two Persian monks had long resided in China, perhaps in the royal city of Nankin, the seat of a monarch addicted to foreign superstitions, and who actually received an embassy from the Isle of Ceylon. Amidst their pious occupations, they viewed with a curious eye the common dress of the Chinese, the manufactures of silk, and the myriads of silk-worms, whose education (either on trees or in houses) had once been considered as the labor of queens.<sup>75</sup> They soon discovered that it was impracticable to transport the short-lived insect, but that in the eggs a numerous progeny might be preserved and multiplied in a distant climate. Religion or interest had more power over the Persian monks than the love of their country: after a long journey, they arrived at Constantinople, imparted their project to the emperor, and were liberally encouraged by the gifts and promises of Justinian. To the historians of that prince, a campaign at the foot of Mount Caucasus has seemed more deserving of a minute relation than the labors of these missionaries of commerce, who again entered China, deceived a jealous people by concealing the eggs of the silk-worm in a hollow cane, and returned in triumph with the spoils of the East. Under their direction, the eggs were hatched at the proper season by the artificial heat of dung; the worms were fed with mulberry leaves; they lived and labored in a foreign climate; a sufficient number of butterflies was saved to propagate the race, and trees were planted to supply the nourishment of the rising generations. Experience and reflection corrected the errors of a new attempt, and the Sogdoite ambassadors acknowledged, in the succeeding reign, that the Romans were not inferior to the natives of China in the education of the insects, and the manufactures of silk,<sup>76</sup> in which

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<sup>74</sup> See the Christian missions in India, in Cosmas, (l. iii. p. 178, 179, l. xi. p. 337,) and consult Asseman. *Bibliot. Orient.* (tom. iv. p. 413—548.)

<sup>75</sup> The invention, manufacture, and general use of silk in China, may be seen in Duhalde, (*Description Générale de la Chine*, tom. ii. p. 165, 205—223.) The province of Chekian is the most renowned both for quantity and quality.

<sup>76</sup> Procopius, (l. viii. Gothic. iv. c. 17. Theophanes Byzant. *apud Phot. Cod. lxxxiv.* p. 38. Zonaras, tom. ii. l. xiv. p. 69. Pagi (tom. ii. p. 602) assigns to the year 552 this memorable importation. Menander (in *Excerpt. Legat.* p. 107) mentions the admiration of the Sog

both China and Constantinople have been surpassed by the industry of modern Europe. I am not insensible of the benefits of elegant luxury; yet I reflect with some pain, that if the importers of silk had introduced the art of printing, already practised by the Chinese, the comedies of Menander and the entire decads of Livy would have been perpetuated in the editions of the sixth century. A larger view of the globe might at least have promoted the improvement of speculative science, but the Christian geography was forcibly extracted from texts of Scripture, and the study of nature was the surest symptom of an unbelieving mind. The orthodox faith confined the habitable world to *one* temperate zone, and represented the earth as an oblong surface, four hundred days' journey in length, two hundred in breadth, encompassed by the ocean, and covered by the solid crystal of the firmament."

IV. The subjects of Justinian were dissatisfied with the times, and with the government. Europe was overrun by the Barbarians, and Asia by the monks: the poverty of the West discouraged the trade and manufactures of the East: the produce of labor was consumed by the unprofitable servants of the church, the state, and the army; and a rapid decrease was felt in the fixed and circulating capitals which constitute the national wealth. The public distress had been alleviated by the economy of Anastasius, and that prudent emperor accumulated an immense treasure, while he delivered his people from the most odious or oppressive taxes.\* Their

doites; and Theophylact Simocatta (l. vii. c. 9) darkly represents the two rival kingdoms in (*China*) the country of silk.

"Cosmas, surnamed Indicopleustes, or the Indian navigator, performed his voyage about the year 522, and composed at Alexandria, between 535, and 547, Christian Topography, (Montfaucon, Præfat. c. i.) in which he refutes the impious opinion, that the earth is a globe; and Photius had read this work, (Cod. xxxvi. p. 9, 10,) which displays the prejudices of a monk, with the knowledge of a merchant; the most valuable part has been given in French and in Greek by Melchisedec Thevenot, (Rélations Curieuses, part i.) and the whole is since published in a splendid edition by Père Montfaucon, (Nova Collectio Patrum, Paris, 1707, 2 vols. in fol., tom. ii. p. 113—346.) But the editor, a theologian, might blush at not discovering the Nestorian heresy of Cosmas, which has been detected by La Croix (Christianisme des Indes, tom. i. p. 40—56.)

\* See the character of Anastasius in Joannes Lydus de Magistratibus, lib. c. 45, 46, p. 230—232. His economy is there said to have degenerated into parsimony. He is accused of having taken away the levying of taxes  
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gratitude universally applauded the abolition of the *gold of affliction*, a personal tribute on the industry of the poor," but more intolerable, as it should seem, in the form than in the substance, since the flourishing city of Edessa paid only one hundred and forty pounds of gold, which was collected in four years from ten thousand artificers." Yet such was the parsimony which supported this liberal disposition, that, in a reign of twenty-seven years, Anastasius saved, from his annual revenue, the enormous sum of thirteen millions sterling, or three hundred and twenty thousand pounds of gold." His

<sup>78</sup> Evagrius (l. ii. c. 39, 40) is minute and grateful, but angry with Zosimus for calumniating the great Constantine. In collecting all the bonds and records of the tax, the humanity of Anastasius was diligent and artful: fathers were sometimes compelled to prostitute their daughters, (Zosim. Hist. l. ii. c. 38, p. 165, 166, Lipsiæ, 1784.) Timotheus of Gaza chose such an event for the subject of a tragedy, (Suidas, tom. iii. p. 475.) which contributed to the abolition of the tax, (Cedrenus, p. 35,)—a happy instance (if it be true) of the use of the theatre.

<sup>79</sup> See Joſua Stylites, in the Bibliotheca Orientalis of Asseman, (tom. i. p. 268.) This capitation tax is slightly mentioned in the Chronicle of Edessa.

<sup>80</sup> *ἱεροκλῆς* (Anecd. c. 19) fixes this sum from the report of the

payment of the troops from the municipal authorities, (the *decuriones*), in the Eastern cities, and intrusted it to an extortionate officer named Mennus. But he admits that the imperial revenue was enormously increased by this measure. A statue of iron had been erected to Anastasius in the Hippodrome, on which appeared one morning this pasquinade:—

Εἰκόνα σοί, βασιλεῦ κοσμοφθόρε, τήνδε σιδήρεον  
 Στήσαμεν, ὡς χαλκῆς (οὐσαν.) ἀτιμοτέραν (πολλῶν, Anth.),  
 Ἀντι φόνου, πενίης τ' ὀλοῆς, λιμοῦ τε καὶ ὀργῆς  
 Ἡ (οἷς, Anth.) πάντα φθείρει σὴ φιλοχρημοσύνη.  
 Γείτονα δὲ Σκύλλης βλάσῃ ἀνέθεντο Χάρυβδι,  
 Ἀγριῶν ὠμότην τοῦτον Ἀναστάσιον.  
 Δεῖδιθι καὶ σὺ, Σκύλλα, ταῖς φρεσὶ, μὴ σε καὶ αὐτὴν  
 Βρώξῃ, χαλκείην δάμνα κεμαρίσας.

This epigram is also found in the Anthology. *Jacobs*, vol. iv. p. 109, with some better readings.

This iron statue meetly do we place  
 To thee, world-wasting king, than brass more base:  
 For all the death, the penury, famine, woe,  
 That from thy wide-destroying avarice flow.  
 This fell Charybdis, Scylla, near to thee,  
 This fierce devouring Anastasius, see;  
 And tremble, Scylla! on thee, too, his greed  
 Coining thy brazen deity, may feed.

But Lydus, with no uncommon inconsistency in such writers, proceeds to paint the character of Anastasius as endowed with almost every virtue, not excepting the utmost liberality. He was only prevented by death from relieving his subjects altogether from the capitation tax, which he greatly diminished.—M.

example was neglected, and his treasure was abused, by the nephew of Justin. The riches of Justinian were speedily exhausted by alms and buildings, by ambitious wars, and ignominious treaties. His revenues were found inadequate to his expenses. Every art was tried to extort from the people the gold and silver which he scattered with a lavish hand from Persia to France: "his reign was marked by the vicissitudes, or rather by the combat, of rapaciousness and avarice, of splendor and poverty; he lived with the reputation of hidden treasures," and bequeathed to his successor the payment of his debts." Such a character has been justly accused by the voice of the people and of posterity: but public discontent is credulous; private malice is bold; and a lover of truth will peruse with a suspicious eye the instructive anecdotes of Procopius. The secret historian represents only the vices of Justinian, and those vices are darkened by his malevolent pencil. Ambiguous actions are imputed to the worst motives; error is confounded with guilt, accident with design, and laws with abuses; the partial injustice of a moment is dexterously applied as the general maxim of a reign of thirty-two years; the emperor alone is made responsible for the faults of his officers, the disorders of the times, and the corruption of his subjects; and even the calamities of nature, plagues, earthquakes, and inundations, are imputed to the prince of the dæmons, who had mischievously assumed the form of Justinian."

treasurers themselves. Tiberias had *vices ter millies*; but far different was his empire from that of Anastasius.

<sup>81</sup> Evagrius, (l. iv. c. 30,) in the next generation, was moderate and well informed; and Zonaras, (l. xiv. c. 61,) in the xiith century, had read with care, and thought without prejudice; yet their colors are almost as black as those of the anecdotes.

<sup>82</sup> Procopius (Anecd. c. 30) relates the idle conjectures of the times. The death of Justinian, says the secret historian, will expose his wealth or poverty.

<sup>83</sup> See Corippus de Laudibus Justini Aug. l. ii. 260, &c., 384, &c

"Plurima sunt vivo nimium neglecta parenti,  
Unde tot exhaustus contraxit debita fœcus."

Centenaries of gold were brought by strong men into the Hippodrome.

"Debita persolvit, genitoris cauta recepit."

<sup>84</sup> The Anecdotes (c. 11—14, 18, 20—30) supply many facts and more complaints.\*

\* The work of Lydus de Magistratibus (published by Hase at Paris, 1819, and reprinted in the new edition of the Byzantine historians,) was written during the reign of Justinian. This work of Lydus throws no

✓ After this precaution, I shall briefly relate the anecdotes of avarice and rapine under the following heads: I. Justinian was so profuse that he could not be liberal. The civil and military officers, when they were admitted into the service of the palace, obtained an humble rank and a moderate stipend; they ascended by seniority to a station of affluence and repose; the annual pensions, of which the most honorable class was abolished by Justinian, amounted to four hundred thousand pounds; and this domestic economy was deplored by the venal or indigent courtiers as the last outrage on the majesty of the empire. The posts, the salaries of physicians, and the nocturnal illuminations, were objects of more general concern; and the cities might justly complain, that he usurped the municipal revenues which had been appropriated to these useful institutions. Even the soldiers were injured; and such was the decay of military spirit, that they were injured with impunity. The emperor refused, at

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great light on the earlier history of the Roman magistracy, but gives some curious details of the changes and retrenchments in the offices of state, which took place at this time. The personal history of the author, with the account of his early and rapid advancement, and the emoluments of the posts which he successively held, with the bitter disappointment which he expresses, at finding himself, at the height of his ambition, in an unpaid place, is an excellent illustration of this statement. Gibbon has before, c. iv. n. 45, and c. xvii. n. 112, traced the progress of a Roman citizen to the highest honors of the state under the empire; the steps by which Lydus reached his humbler eminence may likewise throw light on the civil service at this period. He was first received into the office of the Prætorian præfect; became a notary in that office, and made in one year 1000 golden solidi, and that without extortion. His place and the influence of his relatives obtained him a wife with 400 pounds of gold for her dowry. He became chief chartularius, with an annual stipend of twenty-four solidi, and considerable emoluments for all the various services which he performed. He rose to an Augustalis, and finally to the dignity of Corniculus, the highest, and at one time the most lucrative office in the department. But the Prætorian præfect had gradually been deprived of his powers and his honors. He lost the superintendence of the supply and manufacture of arms; the uncontrolled charge of the public posts; the levying of the troops; the command of the army in war when the emperors ceased nominally to command in person, but really through the Prætorian præfect; that of the household troops, which fell to the magister aulae. At length the office was so completely stripped of its power, as to be virtually abolished, (see de Magist. l. iii. c. 40, p. 220, &c.) This diminution of the office of the præfect destroyed the emoluments of his subordinate officers, and Lydus not only drew no revenue from his dignity, but expended upon it all the gains of his former services.

Lydus gravely refers this calamitous, and, as he considers it, fatal degradation of the Prætorian office to the alteration in the style of the official documents from Latin to Greek; and refers to a prophecy of a certain Fonteius, which connected the ruin of the Roman empire with its abandonment of its language. Lydus chiefly owed his promotion to his knowledge of Latin!—M.

the return of each fifth year, the customary donative of five pieces of gold, reduced his veterans to beg their bread, and suffered unpaid armies to melt away in the wars of Italy and Persia. II. The humanity of his predecessors had always remitted, in some auspicious circumstance of their reign, the arrears of the public tribute, and they dexterously assumed the merit of resigning those claims which it was impracticable to enforce. "Justinian, in the space of thirty-two years, has never granted a similar indulgence; and many of his subjects have renounced the possession of those lands whose value is insufficient to satisfy the demands of the treasury. To the cities which had suffered by hostile inroads Anastasius promised a general exemption of seven years: the provinces of Justinian have been ravaged by the Persians and Arabs, the Huns and Sclavonians; but his vain and ridiculous dispensation of a single year has been confined to those places which were actually taken by the enemy." Such is the language of the secret historian, who expressly denies that *any* indulgence was granted to Palestine after the revolt of the Samaritans; a false and odious charge, confuted by the authentic record which attests a relief of thirteen centenaries of gold (fifty-two thousand pounds) obtained for that desolate province by the intercession of St. Sabas.\* III. Procopius has not condescended to explain the system of taxation, which fell like a hail-storm upon the land, like a devouring pestilence on its inhabitants: but we should become the accomplices of his malignity, if we imputed to Justinian alone the ancient though rigorous principle, that a whole district should be condemned to sustain the partial loss of the persons or property of individuals. The *Annona*, or supply of corn for the use of the army and capital, was a grievous and arbitrary exaction, which exceeded, perhaps in a tenfold proportion, the ability of the farmer; and his distress was aggravated by the partial injustice of weights and measures, and the expense and labor of distant carriage. In a time of scarcity, an extraordinary requisition was made to the adjacent provinces of Thrace, Bithynia, and Phrygia: but the proprietors, after a wearisome journey and perilous navigation, received so

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\* One to Scythopolis, capital of the second Palestine, and twelve for the rest of the province. Aleman. (p. 59) honestly produces this fact from a MS. life of St. Sabas, by his disciple Cyril, in the Vatican library, and since published by Cotelierius.

inadequate a compensation, that they would have chosen the alternative of delivering both the corn and price at the doors of their granaries. These precautions might indicate a tender solicitude for the welfare of the capital; yet Constantinople did not escape the rapacious despotism of Justinian. Till his reign, the Straits of the Bosphorus and Hellespont were open to the freedom of trade, and nothing was prohibited except the exportation of arms for the service of the Barbarians. At each of these gates of the city, a prætor was stationed, the minister of Imperial avarice; heavy customs were imposed on the vessels and their merchandise: the oppression was retaliated on the helpless consumer; the poor were afflicted by the artificial scarcity, and exorbitant price of the market; and a people, accustomed to depend on the liberality of their prince, might sometimes complain of the deficiency of water and bread.<sup>88</sup> The *aerial* tribute, without a name, a law, or a definite object, was an annual gift of one hundred and twenty thousand pounds, which the emperor accepted from his Prætorian præfect; and the means of payment were abandoned to the discretion of that powerful magistrate. IV. Even such a tax was less intolerable than the privilege of monopolies,\* which checked the fair competition of industry, and, for the sake of a small and dishonest gain, imposed an arbitrary burden on the wants and luxury of the subject. "As soon" (I transcribe the Anecdotes) "as the exclusive sale of silk was usurped by the Imperial treasurer, a whole people, the manufacturers of Tyre and Berytus, was reduced to extreme misery, and either perished with hunger, or fled to the hostile dominions of Persia." A province might suffer by the decay of its manufactures, but in this example of silk, Procopius has partially overlooked the inestimable and lasting benefit which the empire received from the curioisity of Justinian. His addition of one seventh to the ordinary price of copper money may be interpreted with the same candor; and the alteration, which might be wise,

<sup>88</sup> John Malala (tom. ii. p. 232) mentions the want of bread, and Zonaras (l. xiv. p. 63) the leaden pipes, which Justinian, or his servants, stole from the aqueducts.

\* Hullman (Geschichte des Byzantinischen Handels. p. 15) shows that the despotism of the government was aggravated by the unchecked rapacity of the officers. This state monopoly, even of corn, wine, and oil, was in force at the time of the first crusade.—M.

appears to have been innocent; since he neither alloyed the purity, nor enhanced the value, of the gold coin;<sup>87</sup> the legal measure of public and private payments. V. The ample jurisdiction required by the farmers of the revenue to accomplish their engagements might be placed in an odious light, as if they had purchased from the emperor the lives and fortunes of their fellow-citizens. And a more direct sale of honors and offices was transacted in the palace, with the permission, or at least with the connivance, of Justinian and Theodora. The claims of merit, even those of favor, were disregarded, and it was almost reasonable to expect, that the bold adventurer, who had undertaken the trade of a magistrate, should find a rich compensation for infamy, labor, danger, the debts which he had contracted, and the heavy interest which he paid. A sense of the disgrace and mischief of this venal practice, at length awakened the slumbering virtue of Justinian; and he attempted, by the sanction of oaths<sup>88</sup> and penalties, to guard the integrity of his government: but at the end of a year of perjury, his rigorous edict was suspended, and corruption licentiously abused her triumph over the impotence of the laws. VI. The testament of Eulalius, count of the domestics, declared the emperor his sole heir, on condition, however, that he should discharge his debts and legacies, allow to his three daughters a decent maintenance, and bestow each of them in marriage, with a portion of ten pounds of gold. But the splendid fortune of Eulalius had been consumed by fire, and the inventory of his goods did not exceed the trifling sum of five hundred and sixty-four pieces of gold. A similar instance, in Grecian history, admonished the emperor of the honorable part prescribed for his imitation. He checked the selfish murmurs of the treasury, applauded the confidence of his friend, discharged the legacies and debts, educated the three

<sup>87</sup> For an aureus, one sixth of an ounce of gold, instead of 210, he gave no more than 180 folles, or ounces of copper. A disproportion of the mint, below the market price, must have soon produced a scarcity of small money. In England *twelve* pence in copper would sell for no more than *seven* pence, (Smith's Inquiry into the Wealth of Nations, vol. i. p. 49.) For Justinian's gold coin, see Evagrius, (l. iv. c. 30.)

<sup>88</sup> The oath is conceived in the most formidable words, (Novell. viii. tit. 3.) The defaulters imprecate on themselves, *quicquid habent telorum armentaria cœli*: the part of Judas, the leporey of Giam, the tremor of Cain, &c., besides all temporal pains.



virgins under the eye of the empress Theodora, and doubled the marriage portion which had satisfied the tenderness of their father.<sup>80</sup> The humanity of a prince (for princes cannot be generous) is entitled to some praise; yet even in this act of virtue we may discover the inveterate custom of supplanting the legal or natural heirs, which Procopius imputes to the reign of Justinian. His charge is supported by eminent names and scandalous examples; neither widows nor orphans were spared; and the art of soliciting, or extorting, or supposing testaments, was beneficially practised by the agents of the palace. This base and mischievous tyranny invades the security of private life; and the monarch who has indulged an appetite for gain, will soon be tempted to anticipate the moment of succession, to interpret wealth as an evidence of guilt, and to proceed, from the claim of inheritance, to the power of confiscation. VII. Among the forms of rapine, a philosopher may be permitted to name the conversion of Pagan or heretical riches to the use of the faithful; but in the time of Justinian this holy plunder was condemned by the sectaries alone, who became the victims of his orthodox avarice.<sup>81</sup>

Dishonor might be ultimately reflected on the character of Justinian; but much of the guilt, and still more of the profit, was intercepted by the ministers, who were seldom promoted for their virtues, and not always selected for their talents.<sup>82</sup> The merits of Tribonian the quæstor will hereafter be weighed in the reformation of the Roman law; but the economy of the East was subordinate to the Prætorian præfect, and Procopius has justified his anecdotes by the portrait which he exposes in his public history, of the notorious vices of John of Cappadocia.<sup>83</sup> \* His knowledge was not borrowed from the

<sup>80</sup> A similar or more generous act of friendship is related by Lucian of Eudamidas of Corinth, (in *Toxare*, c. 22, 23, tom. ii. p. 580,) and the story has produced an ingenious, though feeble, comedy of Fon tenelle.

<sup>81</sup> John Malala, tom. ii. p. 101, 102, 103.

<sup>82</sup> One of these, Anatolius, perished in an earthquake—doubtless a judgment! The complaints and clamors of the people in Agathias (l. v. p. 146, 147) are almost an echo of the anecdote. The *aliena pecunia reddenda* of Corippus (l. ii. 381, &c.) is not very honorable to Justinian's memory.

<sup>83</sup> See the history and character of John of Cappadocia in Procopius.

\* This view, particularly of the cruelty of John of Cappadocia, is confirmed by the testimony of Joannes Lydus, who was in the office of the

schools,\*\* and his style was scarcely legible; but he excelled in the powers of native genius, to suggest the wisest counsels, and to find expedients in the most desperate situations. The corruption of his heart was equal to the vigor of his understanding. Although he was suspected of magic and Pagan superstition, he appeared insensible to the fear of God or the reproaches of man; and his aspiring fortune was raised on the death of thousands, the poverty of millions, the ruins of cities, and the desolation of provinces. From the dawn of light to the moment of dinner, he assiduously labored to enrich his master and himself at the expense of the Roman world; the remainder of the day was spent in sensual and obscene pleasures,\* and the silent hours of the night were interrupted by the perpetual dread of the justice of an assassin. His abilities, perhaps his vices, recommended him to the lasting friendship of Justinian: the emperor yielded with reluctance to the fury of the people; his victory was displayed by the immediate restoration of their enemy; and they felt above ten years, under his oppressive administration, that he was stimulated by revenge, rather than instructed by misfortune. Their murmurs served only to fortify the resolution of Justinian; but the præfect, in the insolence of favor, provoked the resentment of Theodora, disdained a power before which every knee was bent, and attempted to sow the seeds of discord between the emperor and his beloved consort. Even Theodora herself was constrained to dissemble, to wait a favorable moment, and, by an artful conspiracy, to render John of Coppadocia the accomplice of his own destruction.† At a time when Belisarius,

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(Persic. l. i. c. 24, 25, l. ii. c. 30. Vandal. l. i. c. 18. Anecd. c. 2, 17, 22.) The agreement of the history and anecdotes is a mortal wound to the reputation of the præfect.

\*\* Οὐ γὰρ ἄλλο οὐδὲν ἐς ἀσπαρτιστοῦ ποιεῖν ἔμαθεν, ὅτι μὴ γράμματα, καὶ ταῦτα κακῶς καὶ κακῶς γράψαι:—a forcible expression.

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præfect, and eye-witness of the tortures inflicted by his command on the miserable debtors, or supposed debtors, of the state. He mentions one horrible instance of a respectable old man, with whom he was personally acquainted, who, being suspected of possessing money, was hung up by the hands till he was dead. Lydus de Magist. lib. iii. c. 57, p. 254.—M.

\* Joannes Lydus is diffuse on this subject, lib. iii. c. 65, p. 268. But the laudable virtue of Lydus seems greatly stimulated by the loss of his official fees, which he ascribes to the innovations of the minister.—M.

† According to Lydus, Theodora disclosed the crimes and unpopularity of the minister to Justinian, but the emperor had not the courage to

unless he had been a hero, must have shown himself a rebel, his wife Antonina, who enjoyed the secret confidence of the empress, communicated his feigned discontent to Euphemia, the daughter of the præfect; the credulous virgin imparted to her father the dangerous project, and John, who might have known the value of oaths and promises, was tempted to accept a nocturnal, and almost treasonable, interview with the wife of Belisarius. An ambuscade of guards and eunuchs had been posted by the command of Theodora; they rushed with drawn swords to seize or to punish the guilty minister: he was saved by the fidelity of his attendants; but instead of appealing to a gracious sovereign, who had privately warned him of his danger, he pusillanimously fled to the sanctuary of the church. The favorite of Justinian was sacrificed to conjugal tenderness or domestic tranquillity; the conversion of a præfect into a priest extinguished his ambitious hopes: but the friendship of the emperor alleviated his disgrace, and he retained in the mild exile of Cyzicus an ample portion of his riches. Such imperfect revenge could not satisfy the unrelenting hatred of Theodora; the murder of his old enemy, the bishop of Cyzicus, afforded a decent pretence; and John of Cappadocia, whose actions had deserved a thousand deaths, was at last condemned for a crime of which he was innocent. A great minister, who had been invested with the honors of consul and patrician, was ignominiously scourged like the vilest of malefactors; a tattered cloak was the sole remnant of his fortunes; he was transported in a bark to the place of his banishment at Antiochopolis in Upper Egypt, and the præfect of the East begged his bread through the cities which had trembled at his name. During an exile of seven years, his life was protracted and threatened by the ingenious cruelty of Theodora; and when her death permitted the emperor to recall a servant whom he had abandoned with regret, the ambition of John of Cappadocia was reduced to the humble duties of the sacerdotal profession. His successors convinced the subjects of Justinian, that the arts of oppression might still be improved by experience and industry; the frauds of a Syrian banker were intro-

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remove, and was unable to replace, a servant, under whom his finances seemed to prosper. He attributes the sedition and conflagration called the *PIKA* (see p. 62) to the popular resentment against the tyranny of John, lib. iii. c. 70, p. 278. Unfortunately there is a large gap in his work just at this period.—M.

duced into the administration of the finances; and the example of the præfect was diligently copied by the quæstor, the public and private treasurer, the governors of provinces, and the principal magistrates of the Eastern empire.\*

V. The *edifices* of Justinian were cemented with the blood and treasure of his people; but those stately structures appeared to announce the prosperity of the empire, and actually displayed the skill of their architects. Both the theory and practice of the arts which depend on mathematical science and mechanical power, were cultivated under the patronage of the emperors; the fame of Archimedes was rivalled by Proclus and Anthemius; and if their *miracles* had been related by intelligent spectators, they might now enlarge the speculations, instead of exciting the distrust, of philosophers. A tradition has prevailed, that the Roman fleet was reduced to ashes in the port of Syracuse, by the burning-glasses of Archimedes;† and it is asserted, that a similar expedient was employed by Proclus to destroy the Gothic vessels in the harbor of Constantinople, and to protect his benefactor Anastasius against the bold enterprise of Vitalian.‡ A machine was fixed on the walls of the city, consisting of a hexagon mirror of polished brass, with many smaller and movable polygons to receive and reflect the rays of the meridian sun; and a consuming flame was darted, to the distance, perhaps, of two hundred feet.§ The truth of these two extraordinary

\* The chronology of Procopius is loose and obscure; but with the aid of Pagi I can discern that John was appointed Prætorian præfect of the East in the year 530—that he was removed in January, 532—restored before June, 533—banished in 541—and recalled between June, 548, and April 1, 549. Aleman. (p. 96, 97) gives the list of his ten successors—a rapid series in a part of a single reign.\*

† This conflagration is hinted by Lucian (in Hippiæ, c. 2) and Galen, (l. iii. de Temperamentis, tom. i. p. 81, edit. Basil.) in the second century. A thousand years afterwards, it is positively affirmed by Zonaras, (l. ix. p. 424,) on the faith of Dion Cassius, Tzetzes, (Chiliad ii. 119, &c.), Eustathius, (ad Iliad. E. p. 338,) and the scholiast of Lucian. See Fabricius, (Bibliot. Græc. l. iii. c. 22, tom. ii. p. 551, 552,) to whom I am more or less indebted for several of these quotations.

‡ Zonaras (l. xiv. p. 55) affirms the fact, without quoting any evidence.

§ Tzetzes describes the artifice of these burning-glasses, which he had read, perhaps, with no learned eyes, in a mathematical treatise of

\* Lydus gives a high character of Phocas, his successor. tom. iii. c. 78 p. 188.—M.

facts is invalidated by the silence of the most authentic historians; and the use of burning-glasses was never adopted in the attack or defence of places.<sup>98</sup> Yet the admirable experiments of a French philosopher<sup>99</sup> have demonstrated the possibility of such a mirror; and, since it is possible, I am more disposed to attribute the art to the greatest mathematicians of antiquity, than to give the merit of the fiction to the idle fancy of a monk or a sophist. According to another story, Proclus applied sulphur to the destruction of the Gothic fleet;<sup>100</sup> in a modern imagination, the name of sulphur is instantly connected with the suspicion of gunpowder, and that suspicion is propagated by the secret arts of his disciple Anthemius.<sup>101</sup> A citizen of Tralles in Asia had five sons, who were all distinguished in their respective professions by merit and success. Olympius excelled in the knowledge and practice of the Roman jurisprudence. Dioscorus and Alexander became learned physicians; but the skill of the former was exercised for the benefit of his fellow-citizens, while his more ambitious brother acquired wealth and reputation at Rome. The fame of Metrodorus the grammarian, and of Anthemius the mathematician and architect, reached the ears of the emperor Justinian, who invited them to Constantinople; and while the one instructed the rising generation in the schools of eloquence, the other filled the capital and provinces with more lasting monuments of his art. In a trifling dispute relative to the walls or windows of their contiguous houses, he had been vanquished by the eloquence of his neighbor Zeno;

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Anthemius. That treatise, *περί παραδόξων μηχανημάτων*, has been lately published, translated, and illustrated, by M. Dupuys, a scholar and a mathematician, (*Mémoires de l'Académie des Inscriptions*, tom. xlii. p. 392—451.)

<sup>98</sup> In the siege of Syracuse, by the silence of Polybius, Plutarch, Livy; in the siege of Constantinople, by that of Marcellinus and all the contemporaries of the sixth century.

<sup>99</sup> Without any previous knowledge of Tzetzes or Anthemius, the immortal Buffon imagined and executed a set of burning-glasses, with which he could inflame planks at the distance of 200 feet, (*Supplement à l'Hist. Naturelle*, tom. i. 399—488, quarto edition.) What miracles would not his genius have performed for the public service, with royal expense, and in the strong sun of Constantinople or Syracuse?

<sup>100</sup> John Malala (tom. ii. p. 120—124) relates the fact; but he seems to confound the names or persons of Proclus and Marinus.

<sup>101</sup> Agathias, l. v. p. 149—152. The merit of Anthemius as an architect is loudly praised by Procopius (*de Edif.* l. i. c. 1) and Paulus Silentarius, (part i. 184, &c.)

but the orator was defeated in his turn by the master of mechanics, whose malicious, though harmless, stratagems are darkly represented by the ignorance of Agathias. In a lower room, Anthemius arranged several vessels or caldrons of water, each of them covered by the wide bottom of a leathern tube, which rose to a narrow top, and was artificially conveyed among the joists and rafters of the adjacent building. A fire was kindled beneath the caldron; the steam of the boiling water ascended through the tubes; the house was shaken by the efforts of imprisoned air, and its trembling inhabitants might wonder that the city was unconscious of the earthquake which they had felt. At another time, the friends of Zeno, as they sat at table, were dazzled by the intolerable light which flashed in their eyes from the reflecting mirrors of Anthemius; they were astonished by the noise which he produced from the collision of certain minute and sonorous particles; and the orator declared in tragic style to the senate, that a mere mortal must yield to the power of an antagonist, who shook the earth with the trident of Neptune, and imitated the thunder and lightning of Jove himself. The genius of Anthemius, and his colleague Isidore the Milesian, was excited and employed by a prince, whose taste for architecture had degenerated into a mischievous and costly passion. His favorite architects submitted their designs and difficulties to Justinian, and discreetly confessed how much their laborious meditations were surpassed by the intuitive knowledge or celestial inspiration of an emperor, whose views were always directed to the benefit of his people, the glory of his reign, and the salvation of his soul.<sup>102</sup>

The principal church, which was dedicated by the founder of Constantinople to St. Sophia, or the eternal wisdom, had been twice destroyed by fire; after the exile of John Chrysostom, and during the *Nika* of the blue and green factions. No sooner did the tumult subside, than the Christian populace deplored their sacrilegious rashness; but they might have rejoiced in the calamity, had they foreseen the glory of the new temple, which at the end of forty days was strenu-

<sup>102</sup> See Procopius, (de Edificiis, l. i. c. 1, 2, l. ii. c. 8.) He relates a coincidence of dreams, which supposes some fraud in Justinian or his architect. They both saw, in a vision, the same plan for stopping an inundation at Dara. A stone quarry near Jerusalem was revealed to the emperor, (l. v. c. 6:) an angel was tricked into the perpetual custody of St. Sophia, (Anonym. de Antiq. C. P. l. iv. p. 70.)

ously undertaken by the piety of Justinian.<sup>100</sup> The ruins were cleared away, a more spacious plan was described, and as it required the consent of some proprietors of ground, they obtained the most exorbitant terms from the eager desires and timorous conscience of the monarch. Anthemius formed the design, and his genius directed the hands of ten thousand workmen, whose payment in pieces of fine silver was never delayed beyond the evening. The emperor himself, clad in a linen tunic, surveyed each day their rapid progress, and encouraged their diligence by his familiarity, his zeal, and his rewards. The new Cathedral of St. Sophia was consecrated by the patriarch, five years, eleven months, and ten days from the first foundation; and in the midst of the solemn festival Justinian exclaimed with devout vanity, "Glory be to God, who hath thought me worthy to accomplish so great a work; I have vanquished thee, O Solomon!"<sup>101</sup> But the pride of the Roman Solomon, before twenty years had elapsed, was humbled by an earthquake, which overthrew the eastern part of the dome. Its splendor was again restored by the perseverance of the same prince; and in the thirty-sixth year of his reign, Justinian celebrated the second dedication of a

<sup>100</sup> Among the crowd of ancients and moderns who have celebrated the edifice of St. Sophia, I shall distinguish and follow, 1. Four original spectators and historians: Procopius, (*de Edific.* l. i. c. 1.) Agathias, (l. v. p. 152, 153,) Paul Silentiarius, (in a poem of 1026 hexameters, and *calceum Annæ Commen. Alexiad.*) and Evagrius, (l. iv. c. 31.) 2. Two legendary Greeks of a later period: George Codinus, (*de Origin. C. P.* p. 64—74,) and the anonymous writer of Banduri, (*Imp. Orient. tom. i. l. iv. p. 65—80.*) 3. The great Byzantine antiquarian, Ducange, (*Comment. ad Paul. Silentiar.* p. 525—598, and *C. P. Christ.* l. iii. p. 5—78.) 4. Two French travellers—the one, Peter Gyllius, (*de Topograph. C. P. l. ii. c. 3, 4.*) in the xvth; the other, Grelot, (*Voyage de C. P. p. 95—164, Paris, 1680, in 4to.*) he has given plans, prospects, and inside views of St. Sophia; and his plans, though on a smaller scale, appear more correct than those of Ducange. I have adopted and reduced the measures of Grelot: but as no Christian can now ascend the dome, the height is borrowed from Evagrius, compared with Gyllius, Greaves, and the Oriental Geographer.

<sup>101</sup> Solomon's temple was surrounded with courts, porticos, &c.; but the proper structure of the house of God was no more (if we take the Egyptian or Hebrew cubic at 22 inches) than 55 feet in height, 26½ in breadth, and 110 in length—a small parish church, says Prieaux, (*Connection*, vol. i. p. 144, folio;) but few sanctuaries could be valued at four or five millions sterling!\*

\* *Hist. of Jews*, vol. i. p. 257.—M

temple, which remains, after twelve centuries, a stately monument of his fame. The architecture of St. Sophia, which is now converted into the principal mosch, has been imitated by the Turkish sultans, and that venerable pile continues to excite the fond admiration of the Greeks, and the more rational curiosity of European travellers. The eye of the spectator is disappointed by an irregular prospect of half-domes and shelving roofs: the western front, the principal approach, is destitute of simplicity and magnificence; and the scale of dimensions has been much surpassed by several of the Latin cathedrals. But the architect who first erected an *aerial* cupola, is entitled to the praise of bold design and skilful execution. The dome of St. Sophia, illuminated by four-and-twenty windows, is formed with so small a curve, that the depth is equal only to one sixth of its diameter; the measure of that diameter is one hundred and fifteen feet, and the lofty centre, where a crescent has supplanted the cross, rises to the perpendicular height of one hundred and eighty feet above the pavement. The circle which encompasses the dome, lightly reposes on four strong arches, and their weight is firmly supported by four massy piles, whose strength is assisted, on the northern and southern sides, by four columns of Egyptian granite. A Greek cross, inscribed in a quadrangle, represents the form of the edifice; the exact breadth is two hundred and forty-three feet, and two hundred and sixty-nine may be assigned for the extreme length from the sanctuary in the east, to the nine western doors, which open into the vestibule, and from thence into the *narthex* or exterior portico. That portico was the humble station of the penitents. The nave or body of the church was filled by the congregation of the faithful; but the two sexes were prudently distinguished, and the upper and lower galleries were allotted for the more private devotion of the women. Beyond the northern and southern piles, a balustrade, terminated on either side by the thrones of the emperor and the patriarch, divided the nave from the choir; and the space, as far as the steps of the altar, was occupied by the clergy and singers. The altar itself, a name which insensibly became familiar to Christian ears, was placed in the eastern recess, artificially built in the form of a demi-cylinder; and this sanctuary communicated by several doors with the sacristy, the vestry, the baptistery, and the contiguous buildings, subservient either to the pomp of worship, or the pri-



vate use of the ecclesiastical ministers. The memory of past calamities inspired Justinian with a wise resolution, that no wood, except for the doors, should be admitted into the new edifice; and the choice of the materials was applied to the strength, the lightness, or the splendor of the respective parts. The solid piles which contained the cupola were composed of huge blocks of freestone, hewn into squares and triangles, fortified by circles of iron, and firmly cemented by the infusion of lead and quicklime: but the weight of the cupola was diminished by the levity of its substance, which consists either of pumice-stone that floats in the water, or of bricks from the Isle of Rhodes, five times less ponderous than the ordinary sort. The whole frame of the edifice was constructed of brick; but those base materials were concealed by a crust of marble; and the inside of St. Sophia, the cupola, the two larger, and the six smaller, semi-domes, the walls, the hundred columns, and the pavement, delight even the eyes of Barbarians, with a rich and variegated picture. A poet,<sup>106</sup> who beheld the primitive lustre of St. Sophia, enumerates the colors, the shades, and the spots of ten or twelve marbles, jaspers, and porphyries, which nature had profusely diversified, and which were blended and contrasted as it were by a skilful painter. The triumph of Christ was adorned with the last spoils of Paganism, but the greater part of these costly stones was extracted from the quarries of Asia Minor, the isles and continent of Greece, Egypt, Africa, and Gaul. Eight columns of porphyry, which Aurelian had placed in the temple of the sun, were offered by the piety of a Roman matron; eight others of green marble were presented by the ambitious zeal of the magistrates of Ephesus: both are admirable by their size and beauty, but every order of architecture disclaims their fantastic capitals. A variety of orna-

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<sup>106</sup> Paul Silentiarius, in dark and poetic language, describes the various stones and marbles that were employed in the edifice of St. Sophia, (P. ii. p. 129, 133, &c., &c.): 1. The *Carystian*—pale, with iron veins. 2. The *Phrygian*—of two sorts, both of a rosy hue; the one with a white shade, the other purple, with silver flowers. 3. The *Porphyry of Egypt*—with small stars. 4. The *green marble of Laconia*. 5. The *Carian*—from Mount Iassia, with oblique veins, white and red. 6. The *Lydian*—pale, with a red flower. 7. The *African, or Mauritanian*—of a gold or saffron hue. 8. The *Celtic*—black, with white veins. 9. The *Bosphoric*—white, with black edges. Besides the *Proconnesian* which formed the pavement; the *Thessalian, Molossian, &c.*, which are ~~also~~ distinctly painted.

ments and figures was curiously expressed in mosaic; and the images of Christ, of the Virgin, of saints, and of angels, which have been defaced by Turkish fanaticism, were dangerously exposed to the superstition of the Greeks. According to the sanctity of each object, the precious metals were distributed in thin leaves or in solid masses. The balustrade of the choir, the capitals of the pillars, the ornaments of the doors and galleries, were of gilt bronze; the spectator was dazzled by the glittering aspect of the cupola; the sanctuary contained forty thousand pounds weight of silver; and the holy vases and vestments of the altar were of the purest gold, enriched with inestimable gems. Before the structure of the church had arisen two cubits above the ground, forty-five thousand two hundred pounds were already consumed; and the whole expense amounted to three hundred and twenty thousand: each reader, according to the measure of his belief, may estimate their value either in gold or silver; but the sum of one million sterling is the result of the lowest computation. A magnificent temple is a laudable monument of national taste and religion; and the enthusiast who entered the dome of St. Sophia might be tempted to suppose that it was the residence, or even the workmanship, of the Deity. Yet how dull is the artifice, how insignificant is the labor, if it be compared with the formation of the vilest insect that crawls upon the surface of the temple!

So minute a description of an edifice which time has respected, may attest the truth, and excuse the relation, of the innumerable works, both in the capital and provinces, which Justinian constructed on a smaller scale and less durable foundations.<sup>106</sup> In Constantinople alone and the adjacent suburbs, he dedicated twenty-five churches to the honor of Christ, the Virgin, and the saints: most of these churches were decorated with marble and gold; and their various situation was skilfully chosen in a populous square, or a pleasant grove; on the margin of the sea-shore, or on some lofty eminence which overlooked the continents of Europe and Asia.

<sup>106</sup> The six books of the *Edifices* of Procopius are thus distributed: the *first* is confined to Constantinople: the *second* includes Mesopotamia and Syria: the *third*, Armenia and the Euxine; the *fourth*, Europe; the *fifth*, Asia Minor and Palestine; the *sixth*, Egypt and Africa. Italy is forgot by the emperor or the historian, who published this work of adulation before the date (A. D. 555) of its final conquest.

The church of the Holy Apostles at Constantinople, and that of St. John at Ephesus, appear to have been framed on the same model: their domes aspired to imitate the cupolas of St. Sophia; but the altar was more judiciously placed under the centre of the dome, at the junction of four stately porticos, which more accurately expressed the figure of the Greek cross. The Virgin of Jerusalem might exult in the temple erected by her Imperial votary on a most ungrateful spot, which afforded neither ground nor materials to the architect. A level was formed by raising part of a deep valley to the height of the mountain. The stones of a neighboring quarry were hewn into regular forms; each block was fixed on a peculiar carriage, drawn by forty of the strongest oxen, and the roads were widened for the passage of such enormous weights. Lebanon furnished her loftiest cedars for the timbers of the church; and the seasonable discovery of a vein of red marble supplied its beautiful columns, two of which, the supporters of the exterior portico, were esteemed the largest in the world. The pious munificence of the emperor was diffused over the Holy Land; and if reason should condemn the monasteries of both sexes which were built or restored by Justinian, yet charity must applaud the wells which he sunk, and the hospitals which he founded, for the relief of the weary pilgrims. The schismatical temper of Egypt was ill entitled to the royal bounty; but in Syria and Africa, some remedies were applied to the disasters of wars and earthquakes, and both Carthage and Antioch, emerging from their ruins, might revere the name of their gracious benefactor.<sup>107</sup> Almost every saint in the calendar acquired the honors of a temple; almost every city of the empire obtained the solid advantages of bridges, hospitals, and aqueducts; but the severe liberality of the monarch disdained to indulge his subjects in the popular luxury of baths and theatres. While Justinian labored for the public service, he was not unmindful of his own dignity and ease. The Byzantine palace, which had been damaged by the conflagration, was restored with new magnificence; and some notion may be conceived of the whole edifice, by the vestibule or hall, which, from the doors perhaps, or the roof, was surnamed

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<sup>107</sup> Justinian once gave forty-five centenaries of gold (180,000*l.*) for the repairs of Antioch after the earthquake, (John Malala, *tom. ii. p. 146-149.*)

*chalcæ*, or the brazen. The dome of a spacious quadrangle was supported by massy pillars; the pavement and walls were incrustated with many-colored marbles—the emerald green of Laconia, the fiery red, and the white Phrygian stone, intersected with veins of a sea-green hue: the mosaic paintings of the dome and sides represented the glories of the African and Italian triumphs. On the Asiatic shore of the Propontis, at a small distance to the east of Chalcedon, the costly palace and gardens of Heræum<sup>109</sup> were prepared for the summer residence of Justinian, and more especially of Theodora. The poets of the age have celebrated the rare alliance of nature and art, the harmony of the nymphs of the groves, the fountains, and the waves: yet the crowd of attendants who followed the court complained of their inconvenient lodgings,<sup>110</sup> and the nymphs were too often alarmed by the famous Porphyrio, a whale of ten cubits in breadth, and thirty in length, who was stranded at the mouth of the River Sangaris, after he had infested more than half a century the seas of Constantinople.<sup>111</sup>

The fortifications of Europe and Asia were multiplied by Justinian; but the repetition of those timid and fruitless precautions exposes, to a philosophic eye, the debility of the empire.<sup>111</sup> From Belgrade to the Euxine, from the conflux of the Save to the mouth of the Danube, a chain of above fourscore fortified places was extended along the banks of the great river. Single watch-towers were changed into spacious citadels; vacant walls, which the engineers contracted or enlarged according to the nature of the ground, were filled

<sup>109</sup> For the Heræum, the palace of Theodora, see Gyllius, (*de Bosphoro Thracio*, l. iii. c. xi.) Aleman. (*Not. ad. Anec.* p. 80, 81, who quotes several epigrams of the Anthology,) and Ducange, (*C. P. Christ.* l. iv. c. 18, p. 175, 176.)

<sup>110</sup> Compare, in the Edifices, (l. i. c. 11,) and in the Anecdotes, (c. 8, 15,) the different styles of adulation and malevolence: stripped of the paint, or cleansed from the dirt, the object appears to be the same.

<sup>111</sup> Procopius, l. viii. 29; most probably a stranger and wanderer, as the Mediterranean does not breed whales. *Balaenæ quoque in nostra maria penetrant*, (Plin. *Hist. Natur.* ix. 2.) Between the polar circle and the tropic, the cetaceous animals of the ocean grow to the length of 50, 80, or 100 feet, (*Hist. des Voyages*, tom. xv. p. 239. Pennant's *British Zoology*, vol. iii. p. 85.)

<sup>111</sup> Montesquieu observes, (tom. iii. p. 508, *Considerations sur la Grandeur et la Décadence des Romains*, c. xx.) that Justinian's empire was like France in the time of the Norman inroads—never as weak as when every village was fortified.

with colonies or garrisons; a strong fortress defended the ruins of Trajan's bridge,<sup>113</sup> and several military stations affected to spread beyond the Danube the pride of the Roman name. But that name was divested of its terrors; the Barbarians, in their annual inroads, passed, and contemptuously repassed, before these useless bulwarks; and the inhabitants of the frontier, instead of reposing under the shadow of the general defence, were compelled to guard, with incessant vigilance, their separate habitations. The solitude of ancient cities, was replenished; the new foundations of Justinian acquired, perhaps too hastily, the epithets of impregnable and populous; and the auspicious place of his own nativity attracted the grateful reverence of the vainest of princes. Under the name of *Justiniana prima*, the obscure village of Tauresium became the seat of an archbishop and a præfect, whose jurisdiction extended over seven warlike provinces of Illyricum;<sup>114</sup> and the corrupt appellation of *Giustendil* still indicates, about twenty miles to the south of Sophia, the residence of a Turkish sanjak.<sup>115</sup> For the use of the emperor's countryman, a cathedral, a palace, and an aqueduct, were speedily constructed; the public and private edifices were adapted to the greatness of a royal city; and the strength of the walls resisted, during the lifetime of Justinian, the unskilful assaults of the Huns and Sclavonians. Their progress was sometimes retarded, and their hopes of rapine were disappointed, by the innumerable castles which, in the provinces of Dacia, Epirus, Thessaly, Macedonia, and Thrace, appeared to cover the whole face of the country. Six hundred of these

<sup>113</sup> Procopius affirms (l. iv. c. 6) that the Danube was stopped by the ruins of the bridge. Had Apollodorus, the architect, left a description of his own work, the fabulous wonders of Dion Cassius (l. lxxviii. p. 1129) would have been corrected by the genuine picture Trajan's bridge consisted of twenty or twenty-two stone piles with wooden arches; the river is shallow, the current gentle, and the whole interval no more than 443 (Reimer ad Dion. from Marsigli) or 511 toises, (D'Anville, *Géographie Ancienne*, tom. i. p. 305.)

<sup>114</sup> Of the two Dacias, *Mediterranea* and *Ripensis*, Dardania, *Prævalitana*, the second *Mæsia*, and the second *Macedonia*. See Justinian (Novell. xl.) who speaks of his castles beyond the Danube, and *homines semper bellicis sudoribus inhærentes*.

<sup>115</sup> See D'Anville, (*Mémoires de l'Académie*, &c., tom. xxxi. p. 286 290.) Rycart, (*Present State of the Turkish Empire*, p. 97, 316.) Marsigli, (*Stato Militare del Imperio Ottomano*, p. 130.) The sanjak of Giustendil is one of the twenty under the beglerbeg of Rumelia, and his district maintains 48 *zaims* and 588 *timariots*.

forts were built or repaired by the emperor; but it seems reasonable to believe, that the far greater part consisted only of a stone or brick tower, in the midst of a square or circular area, which was surrounded by a wall and ditch, and afforded in a moment of danger some protection to the peasants and cattle of the neighboring villages.<sup>118</sup> Yet these military works, which exhausted the public treasure, could not remove the just apprehensions of Justinian and his European subjects. The warm baths of Anchialus in Thrace were rendered as safe as they were salutary; but the rich pastures of Thessalonica were foraged by the Scythian cavalry; the delicious vale of Tempe, three hundred miles from the Danube, was continually alarmed by the sound of war;<sup>119</sup> and no unfortified spot, however distant or solitary, could securely enjoy the blessings of peace. The Straits of Thermopylæ, which seemed to protect, but which had so often betrayed, the safety of Greece, were diligently strengthened by the labors of Justinian. From the edge of the sea-shore, through the forests and valleys, and as far as the summit of the Thessalian mountains, a strong wall was continued, which occupied every practicable entrance. Instead of a hasty crowd of peasants, a garrison of two thousand soldiers was stationed along the rampart; granaries of corn and reservoirs of water were provided for their use; and by a precaution that inspired the cowardice which it foresaw, convenient fortresses were erected for their retreat. The walls of Corinth, overthrown by an earthquake, and the mouldering bulwarks of Athens and Platæa, were carefully restored; the Barbarians were discouraged by the prospect of successive and painful sieges: and the naked cities of Peloponnesus were covered by the fortifications of the Isthmus of Corinth. At the extremity of Europe, another peninsula, the Thracian Chersonesus, runs three days' journey into the sea, to form, with the adjacent shores of Asia, the Straits of the Hellespont. The intervals between eleven populous towns were filled by lofty woods, fair pastures, and arable lands; and the isthmus, of thirty.

<sup>118</sup> These fortifications may be compared to the castles in Mingrelia (Chardin, *Voyages en Perse*, tom. i. p. 60, 131)—a natural picture.

<sup>119</sup> The valley of Tempe is situate along the River Peneus, between the hills of Ossa and Olympus: it is only five miles long, and in some places no more than 120 feet in breadth. Its verdant beauties are elegantly described by Pliny. (*Hist. Natur.* l. iv. 15.) and more diffusely by Ælian, (*Hist. Var.* l. iii. c. i.)

seven stadia or furlongs, had been fortified by a Spartan general nine hundred years before the reign of Justinian.<sup>117</sup> In an age of freedom and valor, the slightest rampart may prevent a surprise; and Procopius appears insensible of the superiority of ancient times, while he praises the solid construction and double parapet of a wall, whose long arms stretched on either side into the sea; but whose strength was deemed insufficient to guard the Chersonesus, if each city, and particularly Gallipoli and Sestus, had not been secured by their peculiar fortifications. The *long* wall, as it was emphatically styled, was a work as disgraceful in the object, as it was respectable in the execution. The riches of a capital diffuse themselves over the neighboring country, and the territory of Constantinople a paradise of nature, was adorned with the luxurious gardens and villas of the senators and opulent citizens. But their wealth served only to attract the bold and rapacious Barbarians; the noblest of the Romans, in the bosom of peaceful indolence, were led away into Scythian captivity, and their sovereign might view from his palace the hostile flames which were insolently spread to the gates of the Imperial city. At the distance only of forty miles, Anastasius was constrained to establish a last frontier; his long wall, of sixty miles from the Propontis to the Euxine, proclaimed the impotence of his arms; and as the danger became more imminent, new fortifications were added by the indefatigable prudence of Justinian.<sup>118</sup>

Asia Minor, after the submission of the Isaurians,<sup>119</sup> remained without enemies and without fortifications. Those bold savages, who had disdained to be the subjects of Gallienus, persisted two hundred and thirty years in a life of independence and rapine. The most successful princes respected the strength of the mountains and the despair of the natives; their fierce spirit was sometimes soothed with gifts, and sometimes restrained by terror; and a military count, with three

<sup>117</sup> Xenophon Hellenic. l. iii. c. 2. After a long and tedious conversation with the Byzantine declaimers, how refreshing is the truth, the simplicity, the elegance of an Attic writer!

<sup>118</sup> See the long wall in Evagrius, (l. iv. c. 38.) This whole article is drawn from the fourth book of the Edifices, except Anchialus, (l. iii. c. 7.)

<sup>119</sup> Turn back to vol. i. p. 328. In the course of this History, I have sometimes mentioned, and much oftener slighted, the hasty inroads of the Isaurians, which were not attended with any consequences.

legions, fixed his permanent and ignominious station in the heart of the Roman provinces.<sup>120</sup> But no sooner was the vigilance of power relaxed or diverted, than the light-armed squadrons descended from the hills, and invaded the peaceful plenty of Asia. Although the Isaurians were not remarkable for stature or bravery, want rendered them bold, and experience made them skilful in the exercise of predatory war. They advanced with secrecy and speed to the attack of villages and defenceless towns; their flying parties have sometimes touched the Hellespont, the Euxine, and the gates of Tarsus, Antioch, or Damascus;<sup>121</sup> and the spoil was lodged in their inaccessible mountains, before the Roman troops had received their orders, or the distant province had computed its loss. The guilt of rebellion and robbery excluded them from the rights of national enemies; and the magistrates were instructed, by an edict, that the trial or punishment of an Isaurian, even on the festival of Easter, was a meritorious act of justice and piety.<sup>122</sup> If the captives were condemned to domestic slavery, they maintained, with their sword or dagger, the private quarrel of their masters; and it was found expedient for the public tranquillity to prohibit the service of such dangerous retainers. When their countryman Tarcalsissus or Zeno ascended the throne, he invited a faithful and formidable band of Isaurians, who insulted the court and city, and were rewarded by an annual tribute of five thousand pounds of gold. But the hopes of fortune depopulated the mountains, luxury enervated the hardiness of their minds and bodies, and in proportion as they mixed with mankind, they became less qualified for the enjoyment of poor and solitary freedom. After the death of Zeno, his successor Anastasius suppressed their pensions, exposed their persons to the revenge of the people, banished them from Constantinople, and prepared to sustain a war, which left only the alternative of victory or

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<sup>120</sup> Trebellius Pollio in Hist. August. p. 107, who lived under Diocletian, or Constantine. See likewise Pancirolus ad Notit. Imp. Orient. c. 115, 141. See Cod. Theodos. l. ix. tit. 35, leg. 37, with a copious collective Annotation of Godefroy, tom. iii. p. 256, 257.

<sup>121</sup> See the full and wide extent of their inroads in Philostorgius, (Hist. Eccles. l. xi. c. 8,) with Godefroy's learned Dissertations.

<sup>122</sup> Cod. Justinian. l. ix. tit. 12, leg. 10. The punishments are severe—a fine of a hundred pounds of gold, degradation, and even death. The public peace might afford a pretence, but Zeno was desirous of monopolizing the valor and service of the Isaurians.



servitude. A brother of the last emperor usurped the title of Augustus; his cause was powerfully supported by the arms, the treasures, and the magazines, collected by Zeno; and the native Isaurians must have formed the smallest portion of the hundred and fifty thousand Barbarians under his standard, which was sanctified, for the first time, by the presence of a fighting bishop. Their disorderly numbers were vanquished in the plains of Phrygia by the valor and discipline of the Goths; but a war of six years almost exhausted the courage of the emperor.<sup>133</sup> The Isaurians retired to their mountains; their fortresses were successively besieged and ruined; their communication with the sea was intercepted; the bravest of their leaders died in arms; the surviving chiefs, before their execution, were dragged in chains through the hippodrome; a colony of their youth was transplanted into Thrace, and the remnant of the people submitted to the Roman government. Yet some generations elapsed before their minds were reduced to the level of slavery. The populous villages of Mount Taurus were filled with horsemen and archers: they resisted the imposition of tributes, but they recruited the armies of Justinian; and his civil magistrates, the proconsul of Cappadocia, the count of Isauria, and the prætors of Lycaonia and Pisidia, were invested with military power to restrain the licentious practice of rapes and assassinations.<sup>134</sup>

If we extend our view from the tropic to the mouth of the Tanais, we may observe, on one hand, the precautions of Justinian to curb the savages of Æthiopia,<sup>135</sup> and on the other, the long walls which he constructed in Crimæa for the protection of his friendly Goths, a colony of three thousand shep-

<sup>133</sup> The Isaurian war and the triumph of Anastasius are briefly and darkly represented by John Malala, (tom. ii. p. 106, 107,) Evagrius, (l. iii. c. 85,) Theophanes, p. 118—120,) and the Chronicle of Marcellinus.

<sup>134</sup> *Fortes ea regio* (says Justinian) *viros habet, nec in ullo differt ab Isauriâ*, though Procopius (Persic. l. i. c. 18) marks an essential difference between their military character; yet in former times the Lycæonians and Pisidians had defended their liberty against the great king, Xenophon. *Anabasis*, l. iii. c. 2.) Justinian introduces some false and ridiculous erudition of the ancient empire of the Pisidians, and of Lycaon, who, after visiting Rome, (long before *Æneas*,) gave a name and people to Lycaoni, (Novell. 24, 25, 27, 30.)

<sup>135</sup> See Procopius, Persic. l. i. c. 19. The altar of national concord, or annual sacrifice and oaths, which Diocletian had created in the Isle of Elephantine, was demolished by Justinian with less policy than

berds and warriors.<sup>155</sup> From that peninsula to Trebizond, the eastern curve of the Euxine was secured by forts, by alliance, or by religion; and the possession of *Larica*, the Colchos of ancient, the Mingrelia of modern, geography, soon became the object of an important war. Trebizond, in after-times the seat of a romantic empire, was indebted to the liberality of Justinian for a church, an aqueduct, and a castle, whose ditches are hewn in the solid rock. From that maritime city, a frontier line of five hundred miles may be drawn to the fortress of Circesium, the last Roman station on the Euphrates.<sup>157</sup> Above Trebizond immediately, and five days' journey to the south, the country rises into dark forests and craggy mountains, as savage though not so lofty as the Alps and the Pyrenees. In this rigorous climate,<sup>158</sup> where the snows seldom melt, the fruits are tardy and tasteless, even honey is poisonous: the most industrious tillage would be confined to some pleasant valleys; and the pastoral tribes obtained a scanty sustenance from the flesh and milk of their cattle. The *Chalybians*<sup>159</sup> derived their name and temper from the iron qual-

<sup>155</sup> Procopius de Edificiis, l. iii. c. 7. Hist. l. viii. c. 3, 4. These unambitious Goths had refused to follow the standard of Theodoric. As late as the xvth and xvth century, the name and nation might be discovered between Caffa and the Straits of Azoph, (D'Anville, Mémoires de l'Académie, tom. xxx. p. 240.) They well deserved the curiosity of Busbequius, (p. 321—326;) but seem to have vanished in the more recent account of the Missions du Levant, (tom. i., Tott, Peyssonnel, &c.

<sup>157</sup> For the geography and architecture of this Armenian border, see the Persian Wars and Edifices (l. ii. c. 4—7, l. iii. c. 2—7) of Procopius.

<sup>158</sup> The country is described by Tournefort, (Voyage au Levant, tom. iii. lettre xvii. xviii.) That skilful botanist soon discovered the plant that infects the honey, (Plin. xxi. 44, 45;) he observes, that the soldiers of Lucullus might indeed be astonished at the cold, since, even in the plain of Erzerum, snow sometimes falls in June, and the harvest is seldom finished before September. The hills of Armenia are below the fortieth degree of latitude; but in the mountainous country which I inhabit, it is well known that an ascent of some hours carries the traveller from the climate of Languedoc to that of Norway; and a general theory has been introduced, that, under the line, an elevation of 2400 *toises* is equivalent to the cold of the polar circle, (Remond, Observations sur les Voyages de Coxe dans la Suisse, tom. ii. p. 104.)

<sup>159</sup> The identity or proximity of the Chalybians, or Chaldæans, may be investigated in Strabo, (l. xii. p. 825, 826,) Cellarius, (Geograph. Antiq. tom. ii. p. 202—204,) and Freret, (Mém. de l'Académie, tom. iv. p. 594.) Xenophon supposes, in his romance, (Cypriod. vol. v.—E

ty of the soil ; and, since the days of Cyrus, they might produce, under the various appellations of Chaldeans and Zanians, an uninterrupted prescription of war and rapine. Under the reign of Justinian, they acknowledged the god and the emperor of the Romans, and seven fortresses were built in the most accessible passages, to exclude the ambition of the Persian monarch.<sup>100</sup> The principal source of the Euphrates descends from the Chalybian mountains, and seems to flow towards the west and the Euxine: bending to the south-west, the river passes under the walls of Satala and Melitene, (which were restored by Justinian as the bulwarks of the Lesser Armenia,) and gradually approaches the Mediterranean Sea; till at length, repelled by Mount Taurus,<sup>101</sup> the Euphrates inclines its long and flexible course to the south-east and the Gulf of Persia. Among the Roman cities beyond the Euphrates, we distinguish two recent foundations, which were named from Theodosius, and the relics of the martyrs; and two capitals, Amida and Edessa, which are celebrated in the history of every age. Their strength was proportioned by Justinian to the danger of their situation. A ditch and palisade might be sufficient to resist the artless force of the cavalry of Scythia; but more elaborate works were required to sustain a regular siege against the arms and treasures of the great king. His skilful engineers understood the methods of conducting deep mines, and of raising platforms to the level of the rampart: he shook the strongest battlements with his military engines, and sometimes advanced to the assault with a line of movable turrets on the backs of elephants. In the great cities of the East, the disadvantage of space, perhaps of position, was compensated by the zeal of the people, who seconded the garrison in the defence of their country and religion; and the fabulous promise of the Son of God, that Edessa should never be taken, filled the citizens with valiant confidence, and chilled the besiegers with doubt and dismay.<sup>102</sup> The subordinate towns of

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l. iii.) the same Barbarians, against whom he had fought in his retreat, (Anabasis, l. iv.)

<sup>100</sup> Procopius, Persic. l. i. c. 15. De Edific. l. iii. c. 6.

<sup>101</sup> Ni Taurus obstet in nostra maria venturus, (Pomponius Mela, iii. 8.) Pliny, a poet as well as a naturalist, (v. 20.) personifies the river and mountain, and describes their combat. See the course of the Tigris and Euphrates in the excellent treatise of D'Anville.

<sup>102</sup> Procopius (Persic. l. ii. c. 12) tells the story with the tone, half sceptical, half superstitious, of Herodotus. The promise was not in the

Armenia and Mesopotamia were diligently strengthened, and the posts which appeared to have any command of ground or water were occupied by numerous forts, substantially built of stone, or more hastily erected with the obvious materials of earth and brick. The eye of Justinian investigated every spot; and his cruel precautions might attract the war into some lonely vale, whose peaceful natives, connected by trade and marriage, were ignorant of national discord and the quarrels of princes. Westward of the Euphrates, a sandy desert extends above six hundred miles to the Red Sea. Nature had interposed a vacant solitude between the ambition of two rival empires; the Arabians, till Mahomet arose, were formidable only as robbers; and in the proud security of peace, the fortifications of Syria were neglected on the most vulnerable side.

But the national enmity, at least the effects of that enmity, had been suspended by a truce, which continued above four-score years. An ambassador from the emperor Zeno accompanied the rash and unfortunate Perozes,\* in his expedition against the Nepthalites,† or white Huns, whose conquests had been stretched from the Caspian to the heart of India, whose throne was enriched with emeralds,<sup>133</sup> and whose cavalry was supported by a line of two thousand elephants.<sup>134</sup> The Per-

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primitive lie of Eusebius, but dates at least from the year 400; and a third lie, the *Veronica*, was soon raised on the two former, (Evagrius, l. iv. c. 27.) As Edessa has been taken, Tillemont must disclaim the promise, (Mém. Eccles. tom. i. p. 362, 383, 617.)

<sup>133</sup> They were purchased from the merchants of Adulis who traded to India, (Cosmas, Topograph. Christ. l. xi. p. 339;) yet, in the estimate of precious stones, the Scythian emerald was the first, the Bactrian the second, the Æthiopian only the third, (Hill's Theophrastus, p. 61, &c., 92.) The production, mines, &c., of emeralds, are involved in darkness; and it is doubtful whether we possess any of the twelve sorts known to the ancients, (Goguet, Origine des Loix, &c., part ii. l. ii. c. 2, art. 3.) In this war the Huns got, or at least Perozes lost, the finest pearl in the world, of which Procopius relates a ridiculous tale.

<sup>134</sup> The Indo-Scythæ continued to reign from the time of Augustus (Dionys. Perieget. 1088, with the Commentary of Eustathius, in Hudson, Geograph. Minor. tom. iv.) to that of the elder Justin, (Cosmas, Topograph. Christ. l. xi. p. 338, 339.) On their origin and conquests, see D'Anville, (sur l'Inde, p. 18, 45, &c., 69, 85, 89.) In the second century they were masters of Larice or Guzerat.

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\* Firouz the Conqueror—unfortunately so named. See St. Martin, vol. vi. p. 439.—M.

† Rather Hepthalites.—M.

weapons, were small, but numerous; the soldiers were planted along the rampart, under the shelter of double galleries, and a third platform, spacious and secure, was raised on the summit of the towers. The exterior wall appears to have been less lofty, but more solid; and each tower was protected by a quadrangular bulwark. A hard, rocky soil resisted the tools of the miners, and on the south-east, where the ground was more tractable, their approach was retarded by a new work, which advanced in the shape of a half-moon. The double and treble ditches were filled with a stream of water; and in the management of the river, the most skilful labor was employed to supply the inhabitants, to distress the besiegers, and to prevent the mischiefs of a natural or artificial inundation. Dara continued more than sixty years to fulfil the wishes of its founders, and to provoke the jealousy of the Persians, who incessantly complained, that this impregnable fortress had been constructed in manifest violation of the treaty of peace between the two empires.\*

Between the Euxine and the Caspian, the countries of Colchis, Iberia, and Albania, are intersected in every direction by the branches of Mount Caucasus; and the two principal gates, or passes, from north to south, have been frequently confounded in the geography both of the ancients and moderns. The name of *Caspian* or *Albanian* gates is properly applied to Derbend,<sup>138</sup> which occupies a short declivity be-

<sup>138</sup> For the city and pass of Derbend, see D'Herbelot, (Biblioth. Orient. p. 157, 291, 807,) Petit de la Croix. (Hist. de Gengiscan, l. iv

\* The situation (of Dara) does not appear to give it strength, as it must have been commanded on three sides by the mountains, but opening on the south towards the plains of Mesopotamia. The foundation of the walls and towers, built of large hewn stone, may be traced across the valley, and over a number of low rocky hills which branch out from the foot of Mount Masius. The circumference I conceive to be nearly two miles and a half; and a small stream, which flows through the middle of the place, has induced several Koordish and Armenian families to fix their residence within the ruins. Besides the walls and towers, the remains of many other buildings attest the former grandeur of Dara; a considerable part of the space within the walls is arched and vaulted underneath, and in one place we perceived a large cavern, supported by four ponderous columns, somewhat resembling the great cistern of Constantinople. In the centre of the village are the ruins of a palace (probably that mentioned by Procopius) or church, one hundred paces in length, and sixty in breadth. The foundations, which are quite entire, consist of a prodigious number of subterraneous vaulted chambers, entered by a narrow passage forty paces in length. The gate is still standing; a considerable part of the wall has bid defiance to time, &c. M Donald Kinneir's Journey, p. 438 — M

between the mountains and the sea: the city, if we give credit to local tradition, had been founded by the Greeks; and this dangerous entrance was fortified by the kings of Persia with a mole, double walls, and doors of iron. The *Iberian gates*<sup>139</sup> \* are formed by a narrow passage of six miles in Mount Caucasus, which opens from the northern side of Iberia, or Georgia, into the plain that reaches to the Tanais and the Volga. A fortress, designed by Alexander perhaps, or one of his successors, to command that important pass, had descended by right of conquest or inheritance to a prince of the Huns, who offered it for a moderate price to the emperor; but while Anastasius paused, while he timorously computed the cost and the distance, a more vigilant rival interposed, and Cabades forcibly occupied the Straits of Caucasus. The Albanian and Iberian gates excluded the horsemen of Scythia from the shortest and most practicable roads, and the whole front of the mountains was covered by the rampart of Gog and Magog, the long wall which has excited the curiosity of an Arabian caliph<sup>140</sup> and a Russian conqueror.<sup>141</sup> According to a recent

c. 9.) *Histoire Généalogique des Tatars*, (tom. i. p. 120,) Olearius, (*Voyage en Perse*, p. 1039—1041,) and Corneille le Bruyn, (*Voyages*, tom. i. p. 146, 147:) his view may be compared with the plan of Olearius, who judges the wall to be of shells and gravel hardened by time.

<sup>139</sup> Procopius, though with some confusion, always denominates them Caspian, (*Persic.* l. i. c. 10.) The pass is now styled Tatar-topa, the Tartar-gates, (D'Anville, *Géographie Ancienne*, tom. ii. p. 119, 120.)

<sup>140</sup> The imaginary rampart of Gog and Magog, which was seriously explored and believed by a caliph of the ninth century, appears to be derived from the gates of Mount Caucasus, and a vague report of the wall of China, (*Geograph. Nubiensis*, p. 267—270. *Mémoires de l'Académie*, tom. xxxi. p. 210—219.)

<sup>141</sup> See a learned dissertation of Baier, *de muro Caucaseo*, in *Comment. Acad. Petropol.* ann. 1726, tom. i. p. 425—463; but it is destitute of a map or plan. When the czar Peter I. became master of Derbend in the year 1722, the measure of the wall was found to be 3285 Russian *orgyia*, or fathom, each of seven feet English; in the whole somewhat more than four miles in length.

\* Malte-Brun. tom. viii. p. 12, makes three passes: 1. The central, which leads from Mosdok to Teflis, the *ῥήλαι καὶ δόλαι*. 2. The Albanian, more inland than the Derbend Pass. 3. The Derbend—the Caspian Gates. But the narrative of Col. Monteith, in the *Journal of the Geographical Society of London*, vol. iii. p. i. p. 39, clearly shows that there are but two passes between the Black Sea and the Caspian: the central, the Caucasian, or, as Col. Monteith calls it, the Caspian Gates, and the pass of Derbend, though it is practicable to turn this position (of Derbend) by a road a few miles distant through the mountains, p. 40.—M.

description, huge stones, seven feet thick, and twenty-one feet in length or height, are artificially joined without iron or cement, to compose a wall, which runs above three hundred miles from the shores of Derbend, over the hills, and through the valleys of Daghestan and Georgia. Without a vision, such a work might be undertaken by the policy of Cabades; without a miracle, it might be accomplished by his son, so formidable to the Romans, under the name of Chosroes; so dear to the Orientals, under the appellation of Nushirwan. The Persian monarch held in his hand the keys both of peace and war; but he stipulated, in every treaty, that Justinian should contribute to the expense of a common barrier, which equally protected the two empires from the inroads of the Scythians.<sup>143</sup>

VII. Justinian suppressed the schools of Athens and the consulship of Rome, which had given so many ages and heroes to mankind. Both these institutions had long since degenerated from their primitive glory; yet some reproach may be justly inflicted on the avarice and jealousy of a prince, by whose hand such venerable ruins were destroyed.

Athens, after her Persian triumphs, adopted the philosophy of Ionia and the rhetoric of Sicily; and these studies became the patrimony of a city, whose inhabitants, about thirty thousand males, condensed, within the period of a single life, the genius of ages and millions. Our sense of the dignity of human nature is exalted by the simple recollection, that Isocrates<sup>144</sup> was the companion of Plato and Xenophon; that he assisted, perhaps with the historian Thucydides, at the first representation of the *Œdipus* of Sophocles and the *Iphigenia* of Euripides; and that his pupils *Æschines* and *Demosthenes* contended for the crown of patriotism in the presence of Aristotle, the master of Theophrastus, who taught at Athens with the founders of the Stoic and Epicurean sects.<sup>145</sup> The

<sup>143</sup> See the fortifications and treaties of Chosroes, or Nushirwan, in Procopius (*Persic.* l. i. c. 16, 22, l. ii.) and D'Herbelot, (p. 682.)

<sup>144</sup> The life of Isocrates extends from Olymp. lxxxvi. 1, to cx. 3, (ante Christ. 436—438.) See Dionys. Halicarn. tom. ii. p. 149, 160, edit. Hudson. Plutarch (sive anonymus) in Vit. X. Oratorum, p. 1538—1643, edit. H. Steph. Phot. cod. cclix. p. 1453.

<sup>145</sup> The schools of Athens are copiously though concisely represented in the *Fortuna Attica* of Meursius, (c. viii. p. 59—73, in tom. i. Opp.) For the state and arts of the city, see the first book of Pausanias, and a small tract of Dicaearchus, in the second volume of Hudson's *Geog-*

ingenuous youth of Attica enjoyed the benefits of their domestic education, which was communicated without envy to the rival cities. Two thousand disciples heard the lessons of Theophrastus;<sup>108</sup> the schools of rhetoric must have been still more populous than those of philosophy; and a rapid succession of students diffused the fame of their teachers as far as the utmost limits of the Grecian language and name. Those limits were enlarged by the victories of Alexander; the arts of Athens survived her freedom and dominion; and the Greek colonies which the Macedonians planted in Egypt, and scattered over Asia, undertook long and frequent pilgrimages to worship the Muses in their favorite temple on the banks of the Ilissus. The Latin conquerors respectfully listened to the instructions of their subjects and captives; the names of Cicero and Horace were enrolled in the schools of Athens; and after the perfect settlement of the Roman empire, the natives of Italy, of Africa, and of Britain, conversed in the groves of the academy with their fellow-students of the East. The studies of philosophy and eloquence are congenial to a popular state, which encourages the freedom of inquiry, and submits only to the force of persuasion. In the republics of Greece and Rome, the art of speaking was the powerful engine of patriotism or ambition; and the schools of rhetoric poured forth a colony of statesmen and legislators. When the liberty of public debate was suppressed, the orator, in the honorable profession of an advocate, might plead the cause of innocence and justice; he might abuse his talents in the more profitable trade of panegyric; and the same precepts continued to dictate the fanciful declamations of the sophist, and the chaster beauties of historical composition. The systems which professed to unfold the nature of God, of man, and of the universe, entertained the curiosity of the philosophic student; and according to the temper of his mind, he might doubt with the Sceptics, or decide with the Stoics, sublimely speculate with Plato, or severely argue with Aristotle. The pride of the adverse sects had fixed an unattainable term of moral happiness and perfection; but the race was glorious and salutary; the disciples of Zeno, and even those of Epicurus, were taught both to act and to suffer; and the

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naphers.) who wrote about Olymp. cxvii. (Dodwell's *Dissertation* sect. 4.)

<sup>108</sup> Diogen. Laert. de Vit. Philosoph. l. v. segm. 37, p. 289.



death of Petronius was not less effectual than that of Seneca, to humble a tyrant by the discovery of his impotence. The light of science could not indeed be confined within the walls of Athens. Her incomparable writers address themselves to the human race; the living masters emigrated to Italy and Asia; Berytus, in later times, was devoted to the study of the law; astronomy and physic were cultivated in the musæum of Alexandria; but the Attic schools of rhetoric and philosophy maintained their superior reputation from the Peloponnesian war to the reign of Justinian. Athens, though situate in a barren soil, possessed a pure air, a free navigation, and the monuments of ancient art. That sacred retirement was seldom disturbed by the business of trade or government; and the last of the Athenians were distinguished by their lively wit, the purity of their taste and language, their social manners, and some traces, at least in discourse, of the magnanimity of their fathers. In the suburbs of the city, the *academy* of the Platonists, the *lycæum* of the Peripatetics, the *portico* of the Stoics, and the *garden* of the Epicureans, were planted with trees and decorated with statues; and the philosophers, instead of being immured in a cloister, delivered their instructions in spacious and pleasant walks, which, at different hours, were consecrated to the exercises of the mind and body. The genius of the founders still lived in those venerable seats; the ambition of succeeding to the masters of human reason excited a generous emulation; and the merit of the candidates was determined, on each vacancy, by the free voices of an enlightened people. The Athenian professors were paid by their disciples: according to their mutual wants and abilities, the price appears to have varied from a mina to a talent; and Isocrates himself, who derides the avarice of the sophists, required, in his school of rhetoric, about thirty pounds from each of his hundred pupils. The wages of industry are just and honorable, yet the same Isocrates shed tears at the first receipt of a stipend: the Stoic might blush when he was hired to preach the contempt of money; and I should be sorry to discover that Aristotle or Plato so far degenerated from the example of Socrates, as to exchange knowledge for gold. But some property of lands and houses was settled by the permission of the laws, and the legacies of deceased friends, on the philosophic chairs of Athens. Epicurus bequeathed to his disciples the gardens which he had purchased for eighty minæ or two hundred and fifty pounds,

with a fund sufficient for their frugal subsistence and monthly festivals;<sup>146</sup> and the patrimony of Plato afforded an annual rent, which, in eight centuries, was gradually increased from three to one thousand pieces of gold.<sup>147</sup> The schools of Athens were protected by the wisest and most virtuous of the Roman princes. The library, which Hadrian founded, was placed in a portico adorned with pictures, statues, and a roof of alabaster, and supported by one hundred columns of Phrygian marble. The public salaries were assigned by the generous spirit of the Antonines; and each professor of politics, of rhetoric, of the Platonic, the Peripatetic, the Stoic, and the Epicurean philosophy, received an annual stipend of ten thousand drachmæ, or more than three hundred pounds sterling.<sup>148</sup> After the death of Marcus, these liberal donations, and the privileges attached to the *thrones* of science, were abolished and revived, diminished and enlarged; but some vestige of royal bounty may be found under the successors of Constantine; and their arbitrary choice of an unworthy candidate might tempt the philosophers of Athens to regret the days of independence and poverty.<sup>149</sup> It is remarkable, that the impartial favor of the Antonines was bestowed on the four adverse sects of philosophy, which they considered as equally useful, or at least, as equally innocent. Socrates had formerly been the glory and the reproach of his country; and the first lessons of Epicurus so strangely scandalized the pious ears of the Athenians, that by his exile, and that of his antagonists, they silenced all vain disputes concerning the nature of the gods. But in the ensuing year they recalled the hasty decree, restored the liberty of the schools, and were convinced by the

<sup>146</sup> See the Testament of Epicurus in Diogen. Laert. l. x. segn. 16—20, p. 611, 612. A single epistle (ad Familiares, xiii. 1) displays the injustice of the Areopagus, the fidelity of the Epicureans, the dexterous politeness of Cicero, and the mixture of contempt and esteem with which the Roman senators considered the philosophy and philosophers of Greece.

<sup>147</sup> Damascius, in Vit. Isidor. apud Photium, cod. ccxlii. p. 1054.

<sup>148</sup> See Lucian (in Eunuch. tom. ii. p. 350—359, edit. Reitz.) Philostratus (in Vit. Sophist. l. ii. c. 2.) and Dion Cassius, or Xiphilin, (lxxi. p. 1195.) with their editors Du Soul, Olearius, and Reimar, and, above all, Salmasius, (ad Hist. August. p. 72.) A judicious philosopher (Smith's Wealth of Nations, vol. ii. p. 340—374) prefers the free contributions of the students to a fixed stipend for the professor.

<sup>149</sup> Brucker, Hist. Crit. Philosoph. tom. ii. p. 310, &c.

experience of ages, that the moral character of philosophers is not affected by the diversity of their theological speculations.<sup>100</sup>

The Gothic arms were less fatal to the schools of Athens than the establishment of a new religion, whose ministers superseded the exercise of reason, resolved every question by an article of faith, and condemned the infidel or sceptic to eternal flames. In many a volume of laborious controversy, they exposed the weakness of the understanding and the corruption of the heart, insulted human nature in the sages of antiquity, and proscribed the spirit of philosophical inquiry, so repugnant to the doctrine, or at least to the temper, of an humble believer. The surviving sects of the Platonists, whom Plato would have blushed to acknowledge, extravagantly mingled a sublime theory with the practice of superstition and magic; and as they remained alone in the midst of a Christian world, they indulged a secret rancor against the government of the church and state, whose severity was still suspended over their heads. About a century after the reign of Julian,<sup>101</sup> Proclus<sup>102</sup> was permitted to teach in the philosophic chair of the academy; and such was his industry, that he frequently, in the same day, pronounced five lessons, and composed seven hundred lines. His sagacious mind explored the deepest questions of morals and metaphysics, and he ventured to urge eighteen arguments against the Christian doctrine of the creation of the world. But in the intervals of study, he *personally* conversed with Pan, Æsculapius, and Minerva, in whose mysteries he was secretly initiated, and

<sup>100</sup> The birth of Epicurus is fixed to the year 342 before Christ, (Bayle,) Olympiad cix. 3; and he opened his school at Athens, Olymp. cxviii. 3, 306 years before the same era. This intolerant law (Athenæus, l. xiii. p. 610. Diogen. Laertius, l. v. c. 38. p. 290. Julian. Pollux, ix. 5) was enacted in the same or the succeeding year, (Simplicius, Opp. tom. v. p. 62. Menagius ad Diogen. Laert. p. 204. Casini, Fasti Attici, tom. iv. p. 67, 68.) Theophrastus chief of the Peripatetics, and disciple of Aristotle, was involved in the same exile.

<sup>101</sup> This is no fanciful era: the Pagans reckoned their calamities from the reign of their hero. Proclus, whose nativity is marked by his horoscope, (A. D. 412, February 8, at C. P.,) died 124 years *αὐτῷ Τουλιαρῷ βασιλεῖ*, A. D. 485, (Marin. in *Vita Procli*, c. 36.)

<sup>102</sup> The life of Proclus, by Marinus, was published by Fabricius (Hamburg, 1700, et ad calcem *Bibliot. Latin. Lond. 1703.*) See Fabricius, (tom. iii. p. 185, 186.) Fabricius, (*Bibliot. Græc. l. v. c. 24* et 449—552,) and Brucker, (*Hist. Crit. Philosoph. tom. ii. p. 319—322.*)

whose prostrate statues he adored; in the devout persuasion that the philosopher, who is a citizen of the universe, should be the priest of its various deities. An eclipse of the sun announced his approaching end; and his life, with that of his scholar Isidore,<sup>143</sup> compiled by two of their most learned disciples, exhibits a deplorable picture of the second childhood of human reason. Yet the golden chain, as it was fondly styled, of the Platonic succession, continued forty-four years from the death of Proclus to the edict of Justinian,<sup>144</sup> which imposed a perpetual silence on the schools of Athens, and excited the grief and indignation of the few remaining votaries of Grecian science and superstition. Seven friends and philosophers, Diogenes and Hermias, Eulalius and Priscian, Damascius, Isidore, and Simplicius, who dissented from the religion of their sovereign, embraced the resolution of seeking in a foreign land the freedom which was denied in their native country. They had heard, and they credulously believed, that the republic of Plato was realized in the despotic government of Persia, and that a patriot king reigned over the happiest and most virtuous of nations. They were soon astonished by the natural discovery, that Persia resembled the other countries of the globe; that Chosroes, who affected the name of a philosopher, was vain, cruel, and ambitious; that bigotry, and a spirit of intolerance, prevailed among the Magi; that the nobles were haughty, the courtiers servile, and the magistrates unjust; that the guilty sometimes escaped, and that the innocent were often oppressed. The disappointment of the philosophers provoked them to overlook the real virtues of the Persians; and they were scandalized, more deeply perhaps than became their profession, with the plurality of wives and concubines, the incestuous marriages, and the custom of exposing dead bodies to the dogs and vultures, instead of hiding them in the earth, or consuming them with fire. Their repentance was expressed by a precipitate return, and they loudly declared that they had rather die on the borders of the empire, than enjoy the wealth and favor of the Barbarian. From this journey, however, they derived

<sup>143</sup> The life of Isidore was composed by Damascius, (apud Photium, s. d. cxxlii. p. 1028—1076.) See the last age of the Pagan philosophers, in Brucker, (tom. ii. p. 341—351.)

<sup>144</sup> The suppression of the schools of Athens is recorded by John Malala, (tom. ii. p. 187, sub Decio Cos. Sol.) and an anonymous Chronicle in the Vatican library, (apud A'eman. p. 106.)

a benefit which reflects the purest lustre on the character of Chosroes. He required, that the seven sages who had visited the court of Persia should be exempted from the penal laws which Justinian enacted against his Pagan subjects; and this privilege, expressly stipulated in a treaty of peace, was guarded by the vigilance of a powerful mediator.<sup>155</sup> Simplicius and his companions ended their lives in peace and obscurity; and as they left no disciples, they terminate the long list of Grecian philosophers, who may be justly praised, notwithstanding their defects, as the wisest and most virtuous of their contemporaries. The writings of Simplicius are now extant. His physical and metaphysical commentaries on Aristotle have passed away with the fashion of the times; but his moral interpretation of Epictetus is preserved in the library of nations, as a classic book, most excellently adapted to direct the will, to purify the heart, and to confirm the understanding, by a just confidence in the nature both of God and man.

About the same time that Pythagoras first invented the appellation of philosopher, liberty and the consulship were founded at Rome by the elder Brutus. The revolutions of the consular office, which may be viewed in the successive lights of a substance, a shadow, and a name, have been occasionally mentioned in the present History. The first magistrates of the republic had been chosen by the people, to exercise, in the senate and in the camp, the powers of peace and war, which were afterwards translated to the emperors. But the tradition of ancient dignity was long revered by the Romans and Barbarians. A Gothic historian applauds the consulship of Theodoric as the height of all temporal glory and greatness;<sup>156</sup> the king of Italy himself congratulated those annual favorites of fortune who, without the cares, enjoyed the splendor of the throne; and at the end of a thousand years, two consuls were created by the sovereigns of Rome and Constantinople, for the sole purpose of giving a

<sup>155</sup> Agathias (l. ii. p. 69, 70, 71) relates this curious story. Chosroes ascended the throne in the year 531, and made his first peace with the Romans in the beginning of 533—a date most compatible with his *young* fame and the *old* age of Isidore, (Asseman. Bib'l. orient. tom. iii. p. 404. Pagi, tom. ii. p. 543, 550.)

<sup>156</sup> Cassiodor. Variarum Epist. vi. 1. Jornandes, c. 57, p. 696, dit. Grot. Quod summum bonum primumque in mundo deus dicitur.

date to the year, and a festival to the people. But the expenses of this festival, in which the wealthy and the vain aspired to surpass their predecessors, insensibly arose to the enormous sum of fourscore thousand pounds; the wisest senators declined a useless honor, which involved the certain ruin of their families, and to this reluctance I should impute the frequent chasms in the last age of the consular *Fasti*. The predecessors of Justinian had assisted from the public treasures the dignity of the less opulent candidates; the avarice of that prince preferred the cheaper and more convenient method of advice and regulation.<sup>157</sup> Seven *processions* or spectacles were the number to which his edict confined the horse and chariot races, the athletic sports, the music, and pantomimes of the theatre, and the hunting of wild beasts; and small pieces of silver were discreetly substituted to the gold medals, which had always excited tumult and drunkenness, when they were scattered with a profuse hand among the populace. Notwithstanding these precautions, and his own example, the succession of consuls finally ceased in the thirteenth year of Justinian, whose despotic temper might be gratified by the silent extinction of a title which admonished the Romans of their ancient freedom.<sup>158</sup> Yet the annual consulship still lived in the minds of the people; they fondly expected its speedy restoration; they applauded the gracious condescension of successive princes, by whom it was assumed in the first year of their reign; and three centuries elapsed, after the death of Justinian, before that obsolete dignity, which had been suppressed by custom, could be abolished by law.<sup>159</sup> The imperfect mode of distinguishing each year by the name of a magistrate, was usefully supplied by the date of a permanent æra: the creation

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<sup>157</sup> See the regulations of Justinian, (Novell. cv.,) dated at Constantinople, July 5, and addressed to Strategius, treasurer of the empire.

<sup>158</sup> Procopius, in *Anecd.* c. 26. Aleman. p. 106. In the xviii<sup>th</sup> year after the consulship of Basilus, according to the reckoning of Marcellinus, Victor, Marius, &c., the secret history was composed, and, in the eyes of Procopius, the consulship was finally abolished.

<sup>159</sup> By Leo, the philosopher, (Novell. xciv. A.D. 886—911.) See Pagi (Dissertat. Hypatica, p. 325—362) and Ducange, (Gloss. *Græc.* p. 1636, 1636.) Even the title was vilified: *consulatus rodicilli* . . . *vilescunt*, says the emperor himself.

of the world, according to the Septuagint version, was adopted by the Greeks;<sup>100</sup> and the Latins, since the age of Charlemagne, have computed their time from the birth of Christ.<sup>101</sup>

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<sup>100</sup> According to Julius Africanus, &c., the world was created the first of September, 5508 years, three months, and twenty-five days before the birth of Christ. (See Pezron, *Antiquité des Temps défendue*, p. 20—28.) And this æra has been used by the Greeks, the Oriental Christians, and even by the Russians, till the reign of Peter I. The period, however arbitrary, is clear and convenient. Of the 7296 years which are supposed to elapse since the creation, we shall find 3000 of ignorance and darkness; 2000 either fabulous or doubtful; 1000 of ancient history, commencing with the Persian empire, and the Republics of Rome and Athens; 1000 from the fall of the Roman empire in the West to the discovery of America; and the remaining 296 will almost complete three centuries of the modern state of Europe and mankind. I regret this chronology, so far preferable to our double and perplexed method of counting backwards and forwards the years before and after the Christian era.

<sup>101</sup> The æra of the world has prevailed in the East since the sixth general council, (A. D. 681.) In the West, the Christian æra was first invented in the sixth century: it was propagated in the eighth by the authority and writings of venerable Bede; but it was not till the tenth that the use became legal and popular. See *l'Art de Vérifier les Dates*, Dissert. Préliminaire, p. iii. xii. *Dictionnaire Diplomatique*, tom. i. p. 329—337; the works of a laborious society of Benedictine monks.

## CHAPTER XL1.

CONQUESTS OF JUSTINIAN IN THE WEST.—CHARACTER AND FIRST CAMPAIGNS OF BELISARIUS—HE INVADES AND SUBDUES THE VANDAL KINGDOM OF AFRICA—HIS TRIUMPH.—THE GOTHIC WAR.—HE RECOVERS SICILY, NAPLES, AND ROME.—SIEGE OF ROME BY THE GOTHs.—THEIR RETREAT AND LOSSES.—SURRENDER OF RAVENNA.—GLORY OF BELISARIUS.—HIS DOMESTIC SHAME AND MISFORTUNES.

WHEN Justinian ascended the throne, about fifty years after the fall of the Western empire, the kingdoms of the Goths and Vandals had obtained a solid, and, as it might seem, a legal establishment both in Europe and Africa. The titles, which Roman victory had inscribed, were erased with equal justice by the sword of the Barbarians; and their successful rapine derived a more venerable sanction from time, from treaties, and from the oaths of fidelity, already repeated by a second or third generation of obedient subjects. Experience and Christianity had refuted the superstitious hope, that Rome was founded by the gods to reign forever over the nations of the earth. But the proud claim of perpetual and indefeasible dominion, which her soldiers could no longer maintain, was firmly asserted by her statesmen and lawyers, whose opinions have been sometimes revived and propagated in the modern schools of jurisprudence. After Rome herself had been stripped of the Imperial purple, the princes of Constantinople assumed the sole and sacred sceptre of the monarchy; demanded, as their rightful inheritance, the provinces which had been subdued by the consuls, or possessed by the Cæsars; and feebly aspired to deliver their faithful subjects of the West from the usurpation of heretics and Barbarians. The execution of this splendid design was in some degree reserved for Justinian. During the five first years of his reign, he reluctantly waged a costly and unprofitable war against the Persians; till his pride submitted to his ambition, and he purchased at the price of four hundred and forty thousand pounds sterling, the benefit of a precarious truce, which, in the language of both nations, was dignified with the appella-



tion of the *indless* peace. The safety of the East enabled the emperor to employ his forces against the Vandals; and the internal state of Africa afforded an honorable motive, and promised a powerful support, to the Roman arms.<sup>1</sup>

According to the testament of the founder, the African kingdom had lineally descended to Hilderic, the eldest of the Vandal princes. A mild disposition inclined the son of a tyrant, the grandson of a conqueror, to prefer the counsels of clemency and peace; and his accession was marked by the salutary edict, which restored two hundred bishops to their churches, and allowed the free profession of the Athanasian creed.<sup>2</sup> But the Catholics accepted, with cold and transient gratitude, a favor so inadequate to their pretensions, and the virtues of Hilderic offended the prejudices of his countrymen. The Arian clergy presumed to insinuate that he had renounced the faith, and the soldiers more loudly complained that he had degenerated from the courage, of his ancestors. His ambassadors were suspected of a secret and disgraceful negotiation in the Byzantine court; and his general, the Achilles,<sup>3</sup> as he was named, of the Vandals, lost a battle against the naked and disorderly Moors. The public discontent was exasperated by Gelimer, whose age, descent, and military fame, gave him an apparent title to the succession: he assumed, with the consent of the nation, the reins of government; and his unfortunate sovereign sunk without

<sup>1</sup> The complete series of the Vandal war is related by Procopius in a regular and elegant narrative, (l. i. c. 9—25, l. ii. c. 1—13,) and happy would be my lot, could I always tread in the footsteps of such a guide. From the entire and diligent perusal of the Greek text, I have a right to pronounce that the Latin and French versions of Grotius and Cousin may not be implicitly trusted; yet the president Cousin has been often praised, and Hugo Grotius was the first scholar of a learned age.

<sup>2</sup> See Ruinart, *Hist. Persecut. Vandal.* c. xii. p. 589. His best evidence is drawn from the life of St. Fulgentius, composed by one of his disciples, transcribed in a great measure in the annals of Baronius, and printed in several great collections, (*Catalog. Bibliot. Bunavianæ*, tom. i. vol. ii. p. 1258.)

<sup>3</sup> For what quality of the mind or body? For speed, or beauty, or valor?—In what language did the Vandals read Homer?—Did he speak German?—The Latins had four versions, (*Fabric. tom. i. l. ii. c. 8, p. 297*;) yet, in spite of the praises of Seneca, (*Consol. c. 26*;) they appear to have been more successful in imitating than in translating the Greek poets. But the name of Achilles might be famous and vulgar even among the illiterate Barbarians.

a struggle from the throne to a dungeon, where he was strictly guarded with a faithful counsellor, and his unpopular nephew the Achilles of the Vandals. But the indulgence which Hilderic had shown to his Catholic subjects had powerfully recommended him to the favor of Justinian, who, for the benefit of his own sect, could acknowledge the use and justice of religious toleration: their alliance, while the nephew of Justin remained in a private station, was cemented by the mutual exchange of gifts and letters; and the emperor Justinian asserted the cause of royalty and friendship. In two successive embassies, he admonished the usurper to repent of his treason, or to abstain, at least, from any further violence which might provoke the displeasure of God and of the Romans; to reverence the laws of kindred and succession, and to suffer an infirm old man peaceably to end his days, either on the throne of Carthage or in the palace of Constantinople. The passions, or even the prudence, of Gelimer compelled him to reject these requests, which were urged in the haughty tone of menace and command; and he justified his ambition in a language rarely spoken in the Byzantine court, by alleging the right of a free people to remove or punish their chief magistrate, who had failed in the execution of the kingly office. After this fruitless expostulation, the captive monarch was more rigorously treated, his nephew was deprived of his eyes, and the cruel Vandal, confident in his strength and distance, derided the vain threats and slow preparations of the emperor of the East. Justinian resolved to deliver or revenge his friend, Gelimer to maintain his usurpation; and the war was preceded, according to the practice of civilized nations, by the most solemn protestations, that each party was sincerely desirous of peace.

The report of an African war was grateful only to the vain and idle populace of Constantinople, whose poverty exempted them from tribute, and whose cowardice was seldom exposed to military service. But the wiser citizens, who judged of the future by the past, revolved in their memory the immense loss, both of men and money, which the empire had sustained in the expedition of Basiliscus. The troops, which, after five laborious campaigns, had been recalled from the Persian frontier, dreaded the sea, the climate, and the arms of an unknown enemy. The ministers of the finances computed, as far as they might compute, the demands of an African war; the taxes which must be found and levied to supply those

tected his front with a deep trench, which was prolonged at first in perpendicular, and afterwards in parallel, lines, to cover the wings of cavalry advantageously posted to command the flanks and rear of the enemy. When the Roman centre was shaken, their well-timed and rapid charge decided the conflict: the standard of Persia fell; the *immortals* fled; the infantry threw away their bucklers, and eight thousand of the vanquished were left on the field of battle. In the next campaign, Syria was invaded on the side of the desert; and Belisarius, with twenty thousand men, hastened from Dara to the relief of the province. During the whole summer, the designs of the enemy were baffled by his skilful dispositions: he pressed their retreat, occupied each night their camp of the preceding day, and would have secured a bloodless victory, if he could have resisted the impatience of his own troops. Their valiant promise was faintly supported in the hour of battle; the right wing was exposed by the treacherous or cowardly desertion of the Christian Arabs; the Huns, a veteran band of eight hundred warriors, were oppressed by superior numbers; the flight of the Isaurians was intercepted; but the Roman infantry stood firm on the left; for Belisarius himself, dismounting from his horse, showed them that intrepid despair was their only safety.\* They turned their backs to the Euphrates, and their faces to the enemy: innumerable arrows glanced without effect from the compact and shelving order of their bucklers; an impenetrable line of pikes was opposed to the repeated assaults of the Persian cavalry; and after a resistance of many hours, the remaining troops were skilfully embarked under the shadow of the night. The Persian commander retired with disorder and disgrace, to answer a strict account of the lives of so many soldiers, which he had consumed in a barren victory. But the fame of Belisarius was not sullied by a defeat, in which he alone had saved his army from the consequences of their own rashness: the approach of peace relieved him from the guard of the eastern frontier, and his conduct in the sedition of Constantinople amply discharged his obligations to the emperor. When the African war became the topic of popular discourse and secret deliberation, each of the Roman generals was apprehensive, rather than ambitious, of the dangerous honor; but as soon

\* The battle was fought on Easter Sunday, April 19, not at the end of the summer. The date is supplied from John Malala by Lord Mahon p. 47.—M.

as Justinian had declared his preference of superior merit, their envy was rekindled by the unanimous applause which was given to the choice of Belisarius. The temper of the Byzantine court may encourage a suspicion, that the hero was darkly assisted by the intrigues of his wife, the fair and subtle Antonina, who alternately enjoyed the confidence, and incurred the hatred, of the empress Theodora. The birth of Antonina was ignoble; she descended from a family of charioteers; and her chastity has been stained with the foulest reproach. Yet she reigned with long and absolute power over the mind of her illustrious husband; and if Antonina disdained the merit of conjugal fidelity, she expressed a manly friendship to Belisarius, whom she accompanied with undaunted resolution in all the hardships and dangers of a military life.<sup>†</sup>

The preparations for the African war were not unworthy of the last contest between Rome and Carthage. The pride and flower of the army consisted of the guards of Belisarius, who, according to the pernicious indulgence of the times, devoted themselves, by a particular oath of fidelity, to the service of their patrons. Their strength and stature, for which they had been curiously selected, the goodness of their horses and armor, and the assiduous practice of all the exercises of war, enabled them to act whatever their courage might prompt; and their courage was exalted by the social honor of their rank, and the personal ambition of favor and fortune. Four hundred of the bravest of the Heruli marched under the banner of the faithful and active Pharas; their untractable valor was more highly prized than the tame submission of the Greeks and Syrians; and of such importance was it deemed to procure a reinforcement of six hundred Massagetæ, or Huns, that they were allured by fraud and deceit to engage in a naval expedition. Five thousand horse and ten thousand foot were embarked at Constantinople, for the conquest of Africa; but the infantry, for the most part levied in Thrace and Isauria, yielded to the more prevailing use and reputation of the cavalry; and the Scythian bow was the weapon on which the armies of Rome were now reduced to place their principal dependence. From a laudable desire to assert the dignity of his theme, Procopius defends the

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<sup>†</sup> See the birth and character of Antonina, in the *Anecdotes*, c. l. and the notes of Alemannus, p. 3.

soldiers of his own time against the morose critics, who confined that respectable name to the heavy-armed warriors of antiquity, and maliciously observed, that the word *archer* is introduced by Homer\* as a term of contempt. "Such contempt might perhaps be due to the naked youths who appeared on foot in the fields of Troy, and lurking behind a tombstone, or the shield of a friend, drew the bow-string to their breast," and dismissed a feeble and lifeless arrow. But our archers (pursues the historian) are mounted on horses, which they manage with admirable skill; their head and shoulders are protected by a casque or buckler; they wear greaves of iron on their legs, and their bodies are guarded by a coat of mail. On their right side hangs a quiver, a sword on their left, and their hand is accustomed to wield a lance or javelin in closer combat. Their bows are strong and weighty; they shoot in every possible direction, advancing, retreating, to the front, to the rear, or to either flank; and as they are taught to draw the bow-string not to the breast, but to the right ear, firm indeed must be the armor that can resist the rapid violence of their shaft." Five hundred transports, navigated by twenty thousand mariners of Egypt, Cilicia, and Ionia, were collected in the harbor of Constantinople. The smallest of these vessels may be computed at thirty, the largest at five hundred, tons; and the fair average will supply an allowance, liberal, ut not profuse, of about one hundred thousand tons,<sup>16</sup> for the

\* See the preface of Procopius. The enemies of archery might quote the reproaches of Diomedes Iliad. A. 385, &c.) and the *permittere vulnera ventis* of Lucan, (viii. 384 :) yet the Romans could not despise the arrows of the Parthians; and in the siege of Troy, Pandarus, Paris, and Teucer, pierced those haughty warriors who insulted them as women or children.

<sup>16</sup> Νευρὴν μὲν μαζὴν πέλασον, ῥάξω δὲ σίδηρον, (Iliad. A. 128.) How concise—how just—how beautiful is the whole picture! I see the attitudes of the archer—I hear the twanging of the bow:—

Αἰγχε βίδε, νευρὴ δὲ μὲν ἴαχεν, ἄλτρο δ' ὀϊστός.

<sup>16</sup> The text appears to allow for the largest vessels 50,000 *medimni*, or 3000 tons, (since the *medimnus* weighed 160 Roman, or 120 avoirdupois, pounds.) I have given a more rational interpretation, by supposing that the Attic style of Procopius conceals the legal and popular *modius*, a sixth part of the *medimnus*, (Hooper's Ancient Measures, p. 152, &c.) A contrary and indeed a stranger mistake has crept into an oration of Dinarchus, (contra Demosthenem, in Reiske Orator. Græc. tom. iv. P. ii. p. 34.) By reducing the number of ships from 500 to 50, and translating *μεδίμνοι* by *minæ*, or pounds, Cousin has generously allowed 500 tons for the whole of the Imperial fleet! Did he never think?

reception of thirty-five thousand soldiers and sailors, of five thousand horses, of arms, engines, and military stores, and of a sufficient stock of water and provisions for a voyage, perhaps, of three months. The proud galleys, which in former ages swept the Mediterranean with so many hundred oars, had long since disappeared; and the fleet of Justinian was escorted only by ninety-two light brigantines, covered from the missile weapons of the enemy, and rowed by two thousand of the brave and robust youth of Constantinople. Twenty-two generals are named, most of whom were afterwards distinguished in the wars of Africa and Italy: but the supreme command, both by land and sea, was delegated to Belisarius alone, with a boundless power of acting according to his discretion, as if the emperor himself were present. The separation of the naval and military professions is at once the effect and the cause of the modern improvements in the science of navigation and maritime war.

In the seventh year of the reign of Justinian, and about the time of the summer solstice, the whole fleet of six hundred ships was ranged in martial pomp before the gardens of the palace. The patriarch pronounced his benediction, the emperor signified his last commands, the general's trumpet gave the signal of departure, and every heart, according to its fears or wishes, explored, with anxious curiosity, the omens of misfortune and success. The first halt was made at Perinthus or Heraclea, where Belisarius waited five days to receive some Thracian horses, a military gift of his sovereign. From thence the fleet pursued their course through the midst of the Propontis; but as they struggled to pass the Straits of the Hellespont, an unfavorable wind detained them four days at Abydus, where the general exhibited a memorable lesson of firmness and severity. Two of the Huns, who in a drunken quarrel had slain one of their fellow-soldiers, were instantly hewn to the army suspended on a lofty gibbet. The national dignity was resented by their countrymen, who disclaimed the servile laws of the empire, and asserted the free privilege of Scythia, where a small fine was allowed to expiate the hasty sallies of intemperance and anger. Their complaints were specious, their clamors were loud, and the Romans were not averse to the example of disorder and impunity. But the rising sedition was appeased by the authority and eloquence of the general: and he represented to the assembled troops the obligation of justice, the importance of discipline, the re-

sarius had secretly trembled when he overheard his soldiers, in the passage, emboldening each other to confess their apprehensions: if they were once on shore, they hoped to maintain the honor of their arms; but if they should be attacked at sea, they did not blush to acknowledge that they wanted courage to contend at the same time with the winds, the waves, and the Barbarians.<sup>10</sup> The knowledge of their sentiments decided Belisarius to seize the first opportunity of landing them on the coast of Africa; and he prudently rejected, in a council of war, the proposal of sailing with the fleet and army into the port of Carthage.\* Three months after their departure from Constantinople, the men and horses, the arms and military stores, were safely disembarked, and five soldiers were left as a guard on board each of the ships, which were disposed in the form of a semicircle. The remainder of the troops occupied a camp on the sea-shore, which they fortified, according to ancient discipline, with a ditch and rampart; and the discovery of a source of fresh water, while it allayed the thirst, excited the superstitious confidence, of the Romans. The next morning, some of the neighboring gardens were pillaged; and Belisarius, after chastising the offenders, embraced the slight occasion, but the decisive moment, of inculcating the maxims of justice, moderation, and genuine policy. "When I first accepted the commission of subduing Africa, I depended much less," said the general, "on the numbers, or even the bravery of my troops, than on the friendly disposition of the natives, and their immortal hatred to the Vandals. You alone can deprive me of this hope; if you continue to extort by rapine what might be purchased for a little money, such acts of violence will reconcile these implacable enemies, and unite them in a just and holy league against the invaders of their country." These exhortations were enforced by a rigid discipline, of which the soldiers themselves soon felt and praised the salutary effects. The inhabitants, instead of deserting their houses, or hiding their corn, supplied the Romans with a fair and liberal market: the civil officers of the province continued to exercise their functions in the name of Justinian:

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<sup>10</sup> A centurion of Mark Antony expressed, though in a more manly strain, the same dislike to the sea and to naval combats, (Plutarch in *Antonio*, p. 1730, edit. Hen. Steph.)

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\* Rather into the present Lake of Tunis. Lord Mahon, p. 32.—M.

and the clergy, from motives of conscience and interest, assiduously labored to promote the cause of a Catholic emperor. The small town of Sullecte,<sup>17</sup> one day's journey from the camp, had the honor of being foremost to open her gates, and to resume her ancient allegiance: the larger cities of Leptis and Adrumetum imitated the example of loyalty as soon as Belisarius appeared; and he advanced without opposition as far as Grasse, a palace of the Vandal kings, at the distance of fifty miles from Carthage. The weary Romans indulged themselves in the refreshment of shady groves, cool fountains, and delicious fruits; and the preference which Procopius allows to these gardens over any that he had seen, either in the East or West, may be ascribed either to the taste, or the fatigue, of the historian. In three generations, prosperity and a warm climate had dissolved the hardy virtue of the Vandals, who insensibly became the most luxurious of mankind. In their villas and gardens, which might deserve the Persian name of *Paradise*,<sup>18</sup> they enjoyed a cool and elegant repose; and, after the daily use of the bath, the Barbarians were seated at a table profusely spread with the delicacies of the land and sea. Their silken robes loosely flowing, after the fashion of the Medes, were embroidered with gold; love and hunting were the labors of their life, and their vacant hours were amused by pantomimes, chariot-races, and the music and dances of the theatre.

In a march of ten or twelve days, the vigilance of Belisarius was constantly awake and active against his unseen enemies, by whom, in every place, and at every hour, he might be suddenly attacked. An officer of confidence and merit, John the Armenian, led the vanguard of three hundred horse; six hundred Massagetæ covered at a certain distance the left flank; and the whole fleet, steering along the coast, seldom lost sight of the army, which moved each day about twelve

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<sup>17</sup> Sullecte is perhaps the *Turris Hannibalis*, an old building, now as large as the Tower of London. The march of Belisarius to Leptis, Adrumetum, &c., is illustrated by the campaign of Cæsar, (Hirtius, de Bello Africano, with the Analyse of Guichardt,) and Shaw's Travels (p. 105—118) in the same country.

<sup>18</sup> Παράδεισος κάλλιστος πάντων ὧν ἡμεῖς ἴσμεν. The paradises, a name and fashion adopted from Persia, may be represented by the royal garden of Ispahan, (Voyage d'Olearius, p. 774.) See, in the Greek romances, their most perfect model, (Longus, Pastoral. l. iv. p. 99 -101 Achilles Tatius. l. i. p. 22, 23.)



miles, and lodged in the evening in strong camps, or in friendly towns. The near approach of the Romans to Carthage filled the mind of Gelimer with anxiety and terror. He prudently wished to protract the war till his brother, with his veteran troops, should return from the conquest of Sardinia; and he now lamented the rash policy of his ancestors, who, by destroying the fortifications of Africa, had left him only the dangerous resource of risking a battle in the neighborhood of his capital. The Vandal conquerors, from their original number of fifty thousand, were multiplied, without including their women and children, to one hundred and sixty thousand fighting men;\* and such forces, animated with valor and union, might have crushed, at their first landing, the feeble and exhausted bands of the Roman general. But the friends of the captive king were more inclined to accept the invitations, than to resist the progress, of Belisarius; and many a proud Barbarian disguised his aversion to war under the more specious name of his hatred to the usurper. Yet the authority and promises of Gelimer collected a formidable army, and his plans were concerted with some degree of military skill. An order was despatched to his brother Ammatas, to collect all the forces of Carthage, and to encounter the van of the Roman army at the distance of ten miles from the city: his nephew Gibamund, with two thousand horse, was destined to attack their left, when the monarch himself, who silently followed, should charge their rear, in a situation which excluded them from the aid or even the view of their fleet. But the rashness of Ammatas was fatal to himself and his country. He anticipated the hour of the attack, outstripped his tardy followers, and was pierced with a mortal wound, after he had slain with his own hand twelve of his boldest antagonists. His Vandals fled to Carthage; the highway, almost ten miles, was strewed with dead bodies; and it seemed incredible that such multitudes could be slaughtered by the swords of three hundred Romans. The nephew of Gelimer was defeated, after a slight combat, by the six hundred Massagetæ: they did not equal the third part of his numbers; but each Scythian was fired by the example of his chief, who gloriously exercised the privilege of his family, by riding, foremost and alone, to shoot the first arrow against the enemy. In the

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\* 80,000—*μυριαδες δέκα* Hist. Arc. c. 18. Gibbon has been misled by the translation. See Lord Mahon, p. 99.—M.

mean while, Gelimer himself, ignorant of the event, and misguided by the windings of the hills, inadvertently passed the Roman army, and reached the scene of action where Ammatas had fallen. He wept the fate of his brother and of Carthage, charged with irresistible fury the advancing squadrons, and might have pursued, and perhaps decided, the victory, if he had not wasted those inestimable moments in the discharge of a vain, though pious, duty to the dead. While his spirit was broken by this mournful office, he heard the trumpet of Belisarius, who, leaving Antonina and his infantry in the camp, pressed forwards with his guards and the remainder of the cavalry to rally his flying troops, and to restore the fortune of the day. Much room could not be found, in this disorderly battle, for the talents of a general; but the king fled before the hero; and the Vandals, accustomed only to a Moorish enemy, were incapable of withstanding the arms and discipline of the Romans. Gelimer retired with hasty steps towards the desert of Numidia: but he had soon the consolation of learning that his private orders for the execution of Hilderic and his captive friends had been faithfully obeyed. The tyrant's revenge was useful only to his enemies. The death of a lawful prince excited the compassion of his people; his life might have perplexed the victorious Romans; and the lieutenant of Justinian, by a crime of which he was innocent, was relieved from the painful alternative of forfeiting his honor or relinquishing his conquests.

As soon as the tumult had subsided, the several parts of the army informed each other of the accidents of the day; and Belisarius pitched his camp on the field of victory, to which the tenth mile-stone from Carthage had applied the Latin appellation of *Decimus*. From a wise suspicion of the stratagems and resources of the Vandals, he marched the next day in order of battle, halted in the evening before the gates of Carthage, and allowed a night of repose, that he might not, in darkness and disorder, expose the city to the license of the soldiers, or the soldiers themselves to the secret ambush of the city. But as the fears of Belisarius were the result of calm and intrepid reason, he was soon satisfied that he might confide, without danger, in the peaceful and friendly aspect of the capital. Carthage blazed with innumerable torches, the signals of the public joy; the chain was removed that guarded the entrance of the port; the gates were thrown open, and the people, with acclamations of gratitude, hailed

and invited their Roman deliverers. The defeat of the Vandals, and the freedom of Africa, were announced to the city on the eve of St. Cyprian, when the churches were already adorned and illuminated for the festival of the martyr whom three centuries of superstition had almost raised to a local deity. The Arians, conscious that their reign had expired, resigned the temple to the Catholics, who rescued their saint from profane hands, performed the holy rites, and loudly proclaimed the creed of Athanasius and Justinian. One awful hour reversed the fortunes of the contending parties. The suppliant Vandals, who had so lately indulged the vices of conquerors, sought an humble refuge in the sanctuary of the church; while the merchants of the East were delivered from the deepest dungeon of the palace by their affrighted keeper, who implored the protection of his captives, and showed them, through an aperture in the wall, the sails of the Roman fleet. After their separation from the army, the naval commanders had proceeded with slow caution along the coast till they reached the Hermæan promontory, and obtained the first intelligence of the victory of Belisarius. Faithful to his instructions, they would have cast anchor about twenty miles from Carthage, if the more skilful seamen had not represented the perils of the shore, and the signs of an impending tempest. Still ignorant of the revolution, they declined, however, the rash attempt of forcing the chain of the port; and the adjacent harbor and suburb of Mandracium were insulted only by the rapine of a private officer, who disobeyed and deserted his leaders. But the Imperial fleet, advancing with a fair wind, steered through the narrow entrance of the Goletta, and occupied, in the deep and capacious lake of Tunis, a secure station about five miles from the capital.<sup>19</sup> No sooner was Belisarius informed of their arrival, than he despatched orders that the greatest part of the mariners should be immediately landed to join the triumph, and to swell the apparent numbers, of the Romans. Before he

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<sup>19</sup> The neighborhood of Carthage, the sea, the land, and the rivers, are changed almost as much as the works of man. The isthmus, or neck of the city, is now confounded with the continent; the harbor is a dry plain; and the lake, or stagnum, no more than a morass, with six or seven feet water in the mid-channel. See D'Anville, (*Géographie Ancienne*, tom. iii. p. 82.) Shaw, (*Travels*, p. 77—84.) Marmol, (*Description de l'Afrique*, tom. ii. p. 466.) and Thuanus, (*lvi.* 12, tom. iii. p. 334.)

allowed them to enter the gates of Carthage, he exhorted them, in a discourse worthy of himself and the occasion, not to disgrace the glory of their arms; and to remember that the Vandals had been the tyrants, but that *they* were the deliverers, of the Africans, who must now be respected as the voluntary and affectionate subjects of their common sovereign. The Romans marched through the streets in close ranks prepared for battle if an enemy had appeared: the strict order maintained by the general imprinted on their minds the duty of obedience; and in an age in which custom and impunity almost sanctified the abuse of conquest, the genius of one man repressed the passions of a victorious army. The voice of menace and complaint was silent; the trade of Carthage was not interrupted; while Africa changed her master and her government, the shops continued open and busy; and the soldiers, after sufficient guards had been posted, modestly departed to the houses which were allotted for their reception. Belisarius fixed his residence in the palace; seated himself on the throne of Genseric; accepted and distributed the Barbaric spoil; granted their lives to the suppliant Vandals; and labored to repair the damage which the suburb of Mandracium had sustained in the preceding night. At supper he entertained his principal officers with the form and magnificence of a royal banquet.<sup>20</sup> The victor was respectfully served by the captive officers of the household; and in the moments of festivity, when the impartial spectators applauded the fortune and merit of Belisarius, his envious flatterers secretly shed their venom on every word and gesture which might alarm the suspicions of a jealous monarch. One day was given to these pompous scenes, which may not be despised as useless, if they attracted the popular veneration; but the active mind of Belisarius, which in the pride of victory could suppose a defeat, had already resolved that the Roman empire in Africa should not depend on the chance of arms, or the favor of the people. The fortifications of Carthage\* had alone been exempted from the general proscript-

<sup>20</sup> From Delphi, the name of Delphicum was given, both in Greek and Latin, to a tripod; and by an easy analogy, the same appellation was extended at Rome, Constantinople, and Carthage, to the royal banquetting room, (Procopius, Vandal. l. i. c. 21. Ducange, Gloss. Græc. p. 277. Δελφικόν, ad Alexiad. p. 412.)

\* And a few others, (ὀλίγα ἄλλα.) Procopius states in his work *De Edificiis*. l. vi. vol. i. p. 5.—M

tion; but in the reign of ninety-five years they were suffered to decay by the thoughtless and indolent Vandals. A wiser conqueror restored, with incredible despatch, the walls and ditches of the city. His liberality encouraged the workmen; the soldiers, the mariners, and the citizens, vied with each other in the salutary labor; and Gelimer, who had feared to trust his person in an open town, beheld with astonishment and despair, the rising strength of an impregnable fortress.

That unfortunate monarch, after the loss of his capital, applied himself to collect the remains of an army scattered, rather than destroyed, by the preceding battle; and the hopes of pillage attracted some Moorish bands to the standard of Gelimer. He encamped in the fields of Bulla, four days' journey from Carthage; insulted the capital, which he deprived of the use of an aqueduct; proposed a high reward for the head of every Roman; affected to spare the persons and property of his African subjects, and secretly negotiated with the Arian sectaries and the confederate Huns. Under these circumstances, the conquest of Sardinia served only to aggravate his distress: he reflected, with the deepest anguish, that he had wasted, in that useless enterprise, five thousand of his bravest troops; and he read, with grief and shame, the victorious letters of his brother Zano,\* who expressed a sanguine confidence that the king, after the example of their ancestors, had already chastised the rashness of the Roman invader. "Alas! my brother," replied Gelimer, "Heaven has declared against our unhappy nation. While you have subdued Sardinia, we have lost Africa. No sooner did Belisarius appear with a handful of soldiers, than courage and prosperity deserted the cause of the Vandals. Your nephew Gibamund, your brother Ammatas, have been betrayed to death by the cowardice of their followers. Our horses, our ships, Carthage itself, and all Africa, are in the power of the enemy. Yet the Vandals still prefer an ignominious repose, at the expense of their wives and children, their wealth and liberty. Nothing now remains, except the fields of Bulla, and the hope of your valor. Abandon Sardinia; fly to our relief; restore our empire, or perish by our side." On the receipt of this epistle, Zano imparted his grief

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\* Gibbon had forgotten that the bearer of the "victorious letters of his brother" had sailed into the port of Carthage; and that the letters had fallen into the hands of the Romans. *Proc. Vandal.* l. i. c. 23.—M.

to the principal Vandals; but the intelligence was prudently concealed from the natives of the island. The troops embarked in one hundred and twenty galleys at the port of Cagliari, cast anchor the third day on the confines of Mauritania, and hastily pursued their march to join the royal standard in the camp of Bulla. Mournful was the interview: the two brothers embraced; they wept in silence; no questions were asked of the Sardinian victory; no inquiries were made of the African misfortunes: they saw before their eyes the whole extent of their calamities; and the absence of their wives and children afforded a melancholy proof that either death or captivity had been their lot. The languid spirit of the Vandals was at length awakened and united by the entreaties of their king, the example of Zano, and the instant danger which threatened their monarchy and religion. The military strength of the nation advanced to battle; and such was the rapid increase, that before their army reached Tricameron, about twenty miles from Carthage, they might boast, perhaps with some exaggeration, that they surpassed, in a tenfold proportion, the diminutive powers of the Romans. But these powers were under the command of Belisarius; and, as he was conscious of their superior merit, he permitted the Barbarians to surprise him at an unseasonable hour. The Romans were instantly under arms; a rivulet covered their front; the cavalry formed the first line, which Belisarius supported in the centre, at the head of five hundred guards; the infantry, at some distance, was posted in the second line; and the vigilance of the general watched the separate station and ambiguous faith of the Massagetæ, who secretly reserved their aid for the conquerors. The historian has inserted, and the reader may easily supply, the speeches<sup>21</sup> of the commanders, who, by arguments the most apposite to their situation, inculcated the importance of victory, and the contempt of life. Zano, with the troops which had followed him to the conquest of Sardinia, was placed in the centre; and the throne of Genseric might have stood, if the multitude of Vandals had imitated their intrepid resolution. Casting away their lances and missile weapons, they drew their swords, and expected the charge: the Roman cavalry thrice passed the rivulet; they were thrice repulsed; and the conflict was firmly

<sup>21</sup> These orations always express the sense of the times, and sometimes of the actors. I have condensed that sense, and thrown away declamation

maintained, till Zano fell, and the standard of Belisarius was displayed. Gelimer retreated to his camp; the Huns joined the pursuit; and the victors despoiled the bodies of the slain. Yet no more than fifty Romans, and eight hundred Vandals, were found on the field of battle; so inconsiderable was the carnage of a day, which extinguished a nation, and transferred the empire of Africa. In the evening Belisarius led his infantry to the attack of the camp; and the pusillanimous flight of Gelimer exposed the vanity of his recent declarations, that to the vanquished, death was a relief, life a burden, and infamy the only object of terror. His departure was secret; but as soon as the Vandals discovered that their king had deserted them, they hastily dispersed, anxious only for their personal safety, and careless of every object that is dear or valuable to mankind. The Romans entered the camp without resistance; and the wildest scenes of disorder were veiled in the darkness and confusion of the night. Every Barbarian who met their swords was inhumanly massacred; their widows and daughters, as rich heirs, or beautiful concubines, were embraced by the licentious soldiers; and avarice itself was almost satiated with the treasures of gold and silver, the accumulated fruits of conquest or economy in a long period of prosperity and peace. In this frantic search, the troops, even of Belisarius, forgot their caution and respect. Intoxicated with lust and rapine, they explored, in small parties, or alone, the adjacent fields, the woods, the rocks, and the caverns, that might possibly conceal any desirable prize: laden with booty, they deserted their ranks, and wandered without a guide, on the high road to Carthage; and if the flying enemies had dared to return, very few of the conquerors would have escaped. Deeply sensible of the disgrace and danger, Belisarius passed an apprehensive night on the field of victory: at the dawn of day, he planted his standard on a hill, recalled his guardians and veterans, and gradually restored the modesty and obedience of the camp. It was equally the concern of the Roman general to subdue the hostile, and to save the prostrate Barbarian; and the suppliant Vandals, who could be found only in churches, were protected by his authority, disarmed, and separately confined, that they might neither disturb the public peace, nor become the victims of popular revenge. After despatching a light detachment to tread the footsteps of Gelimer, he advanced, with his whole army, about ten days' march, as far as Hippo Regius, which he

longer possessed the relics of St. Augustin.<sup>22</sup> The season, and the certain intelligence that the Vandal had fled to an inaccessible country of the Moors, determined Belisarius to relinquish the vain pursuit, and to fix his winter quarters at Carthage. From thence he despatched his principal lieutenant, to inform the emperor, that in the space of three months he had achieved the conquest of Africa.

Belisarius spoke the language of truth. The surviving Vandals yielded, without resistance, their arms and their freedom; the neighborhood of Carthage submitted to his presence; and the more distant provinces were successively subdued by the report of his victory. Tripoli was confirmed in her voluntary allegiance; Sardinia and Corsica surrendered to an officer, who carried, instead of a sword, the head of the valiant Zano; and the Isles of Majorca, Minorca, and Yvica consented to remain an humble appendage of the African kingdom. Cæsarea, a royal city, which in looser geography may be confounded with the modern Algiers, was situate thirty days' march to the westward of Carthage: by land, the road was infested by the Moors; but the sea was open, and the Romans were now masters of the sea. An active and discreet tribune sailed as far as the Straits, where he occupied Septem or Ceuta,<sup>23</sup> which rises opposite to Gibraltar on the African coast; that remote place was afterwards adorned and fortified by Justinian; and he seems to have indulged the vain ambition of extending his empire to the columns of Hercules. He received the messengers of victory

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<sup>22</sup> The relics of St. Augustin were carried by the African bishops to their Sardinian exile, (A. D. 500;) and it was believed, in the viiith century, that Liutprand, king of the Lombards, transported them (A. D. 721) from Sardinia to Pavia. In the year 1695, the Augustan friars of that city *found* a brick arch, marble coffin, silver case, silk wrapper, bones, blood, &c., and perhaps an inscription of Agostino in Gothic letters. But this useful discovery has been disputed by reason and jealousy, (Baronius, *Annal.* A. D. 725, No. 2—9. Tillemont, *Mém. Ecclési.* tom. xiii. p. 944. Montfaucon, *Diarium Ital.* p. 26—30. Muratori, *Antiq. Ital. Medii Ævi*, tom. v. dissert. lviii. p. 9, who had composed a separate treatise before the decree of the bishop of Pavia, and Pope Benedict XIII.)

<sup>23</sup> Τὰ τῆς πολιεῖας προσήματα, is the expression of Procopius (*de Edific.* l. vi. c. 7.) Ceuta, which has been defaced by the Portuguese, flourished in nobles and palaces, in agriculture and manufactures, under the more prosperous reign of the Arabs, (*l'Afrique de Marmel.* tom. ii. p. 236.)



at the time when he was preparing to publish the *Pandects* of the Roman laws; and the devout or jealous emperor celebrated the divine goodness, and confessed, in silence, the merit of his successful general.<sup>24</sup> Impatient to abolish the temporal and spiritual tyranny of the Vandals, he proceeded, without delay, to the full establishment of the Catholic church. Her jurisdiction, wealth, and immunities, perhaps the most essential part of episcopal religion, were restored and amplified with a liberal hand; the Arian worship was suppressed; the Donatist meetings were proscribed;<sup>25</sup> and the synod of Carthage, by the voice of two hundred and seventeen bishops,<sup>26</sup> applauded the just measure of pious retaliation. On such an occasion, it may not be presumed, that many orthodox prelates were absent; but the comparative smallness of their number, which in ancient councils had been twice or even thrice multiplied, most clearly indicates the decay both of the church and state. While Justinian approved himself the defender of the faith, he entertained an ambitious hope, that his victorious lieutenant would speedily enlarge the narrow limits of his dominion to the space which they occupied before the invasion of the Moors and Vandals; and Belisarius was instructed to establish five *dukes* or commanders in the convenient stations of Tripoli, Leptis, Cirta, Cæsarea, and Sardinia, and to compute the military force of *palatines* or *borderers* that might be sufficient for the defence of Africa. The kingdom of the Vandals was not unworthy of the presence of a Prætorian præfect; and four consulars, three presidents, were appointed to administer the seven provinces under his civil jurisdiction. The number of their subordinate officers, clerks, messengers, or assistants, was minutely expressed; three hundred and ninety-six for the præfect

<sup>24</sup> See the second and third preambles to the Digest, or *Pandects*, promulgated A. D. 529, December 16. To the titles of *Vandalicus* and *Africanus*, Justinian, or rather Belisarius, had acquired a just claim; *Gothicus* was premature, and *Francicus* false, and offensive to a great nation.

<sup>25</sup> See the original acts in Baronius, (A. D. 535, No. 21—54.) The emperor applauds his own clemency to the heretics, *cum sufficiat eis vivere*.

<sup>26</sup> Dupin (*Géograph. Sacra Africana*, p. lix. ad Optat. Milav.) observes and bewails this episcopal decay. In the more prosperous age of the church, he had noticed 690 bishoprics; but however minute were the dioceses, it is not probable that they all existed at the same time.

himself, fifty for each of his vicegerents; and the rigid definition of their fees and salaries was more effectual to confirm the right, than to prevent the abuse. These magistrates might be oppressive, but they were not idle; and the subtle questions of justice and revenue were infinitely propagated under the new government, which professed to revive the freedom and equity of the Roman republic. The conqueror was solicitous to extract a prompt and plentiful supply from his African subjects; and he allowed them to claim, even in the third degree, and from the collateral line, the houses and lands of which their families had been unjustly despoiled by the Vandals. After the departure of Belisarius, who acted by a high and special commission, no ordinary provision was made for a master-general of the forces; but the office of Prætorian præfect was intrusted to a soldier; the civil and military powers were united, according to the practice of Justinian, in the chief governor; and the representative of the emperor in Africa, as well as in Italy, was soon distinguished by the appellation of Exarch.<sup>27</sup>

Yet the conquest of Africa was imperfect till her former sovereign was delivered, either alive or dead, into the hands of the Romans. Doubtful of the event, Gelimer had given secret orders that a part of his treasure should be transported to Spain, where he hoped to find a secure refuge at the court of the king of the Visigoths. But these intentions were disappointed by accident, treachery, and the indefatigable pursuit of his enemies, who intercepted his flight from the sea-shore, and chased the unfortunate monarch, with some faithful followers, to the inaccessible mountain of Papua,<sup>28</sup> in the inland country of Numidia. He was immediately besieged by Pharas, an officer whose truth and sobriety were the more applauded, as such qualities could seldom be found among the Heruli, the most corrupt of the Barbarian tribes. To his vigilance Belisarius had intrusted this important charge.

<sup>27</sup> The African laws of Justinian are illustrated by his German biographer, (Cod. l. i. tit. 27. Novell. 36, 37, 131. Vit. Justinian, p. 349—377.)

<sup>28</sup> Mount Papua is placed by D'Anville (tom. iii. p. 92, and Tabul. Imp. Rom. Occident.) near Hippo Regius and the sea; yet this situation ill agrees with the long pursuit beyond Hippo, and the words of Procopius, (l. ii. c. 4,) *ἐν τοῖς Νομηδίας ἐρημαῖς*.\*

and, after a bold attempt to scale the mountain, in which he lost a hundred and ten soldiers, Pharas expected, during a winter siege, the operation of distress and famine on the mind of the Vandal king. From the softest habits of pleasure, from the unbounded command of industry and wealth, he was reduced to share the poverty of the Moors,\* supportable only to themselves by their ignorance of a happier condition. In their rude hovels, of mud and hurdles, which confined the smoke and excluded the light, they promiscuously slept on the ground, perhaps on a sheep-skin, with their wives, their children, and their cattle. Sordid and scanty were their garments; the use of bread and wine was unknown; and their oaten or barley cakes, imperfectly baked in the ashes, were devoured almost in a crude state, by the hungry savages. The health of Gelimer must have sunk under these strange and unwonted hardships, from whatsoever cause they had been endured; but his actual misery was imbibed by the recollection of past greatness, the daily insolence of his protectors, and the just apprehension, that the light and venal Moors might be tempted to betray the rights of hospitality. The knowledge of his situation dictated the humane and friendly epistle of Pharas. "Like yourself," said the chief of the Heruli, "I am an illiterate Barbarian, but I speak the language of plain sense and an honest heart. Why will you persist in hopeless obstinacy? Why will you ruin yourself, your family, and nation? The love of freedom and abhorrence of slavery? Alas! my dearest Gelimer, are you not already the worst of slaves, the slave of the vile nation of the Moors? Would it not be preferable to sustain at Constantinople a life of poverty and servitude, rather than to reign the undoubted monarch of the mountain of Papua? Do you think it a disgrace to be the subject of Justinian? Belisarius is his subject; and we ourselves, whose birth is not inferior to your own, are not ashamed of our obedience to the Roman emperor. That generous prince will grant you a rich inheritance of lands, a place in the senate, and the dignity of patrician: such are his gracious intentions, and you may

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\* Shaw (Travels, p. 220) most accurately represents the manners of the Bedoweens and Kabyles, the last of whom, by their language, are the remnant of the Moors; yet how changed—how civilized are these modern savages!—provisions are plenty among them, and bread is common.

depend with full assurance on the word of Belisarius. So long as Heaven has condemned us to suffer, patience is a virtue; but if we reject the proffered deliverance, it degenerates into blind and stupid despair." "I am not insensible," replied the king of the Vandals, "how kind and rational is your advice. But I cannot persuade myself to become the slave of an unjust enemy, who has deserved my implacable hatred. *Him* I had never injured either by word or deed: yet he has sent against me, I know not from whence, a certain Belisarius, who has cast me headlong from the throne into this abyss of misery. Justinian is a man; he is a prince; does he not dread for himself a similar reverse of fortune? I can write no more: my grief oppresses me. Send me, I beseech you, my dear Pharas, send me, a lyre,"<sup>a</sup> a sponge, and a loaf of bread." From the Vandal messenger, Pharas was informed of the motives of this singular request. It was long since the king of Africa had tasted bread; a defluxion had fallen on his eyes, the effect of fatigue or incessant weeping; and he wished to solace the melancholy hours, by singing to the lyre the sad story of his own misfortunes. The humanity of Pharas was moved; he sent the three extraordinary gifts; but even his humanity prompted him to redouble the vigilance of his guard, that he might sooner compel his prisoner to embrace a resolution advantageous to the Romans, but salutary to himself. The obstinacy of Gelimer at length yielded to reason and necessity; the solemn assurances of safety and honorable treatment were ratified in the emperor's name, by the ambassador of Belisarius; and the king of the Vandals descended from the mountain. The first public interview was in one of the suburbs of Carthage; and when the royal captive accosted his conqueror, he burst into a fit of laughter. The crowd might naturally believe, that extreme grief had deprived Gelimer of his senses: but in this mournful state, unseasonable mirth insinuated to more intelligent observers, that the vain and transitory scenes of human greatness are unworthy of a serious thought."<sup>b</sup>

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<sup>a</sup> By Procopius it is styled a *lyre*; perhaps *harp* would have been more national. The instruments of music are thus distinguished by Venantius Fortunatus:—

Romanusque *lyrâ* tibi plaudat, Barbarus *harpâ*.

<sup>b</sup> Herodotus elegantly describes the strange effects of grief in another royal captive, Psammetichus of Egypt, who wept at the lease

Their contempt was soon justified by a new example of a vulgar truth; that flattery adheres to power, and envy to superior merit. The chiefs of the Roman army presumed to think themselves the rivals of a hero. Their private despatches maliciously affirmed, that the conqueror of Africa, strong in his reputation and the public love, conspired to seat himself on the throne of the Vandals. Justinian listened with too patient an ear; and his silence was the result of jealousy rather than of confidence. An honorable alternative, of remaining in the province, or of returning to the capital, was indeed submitted to the discretion of Belisarius; but he wisely concluded, from intercepted letters and the knowledge of his sovereign's temper, that he must either resign his head, erect his standard, or confound his enemies by his presence and submission. Innocence and courage decided his choice; his guards, captives, and treasures, were diligently embarked; and so prosperous was the navigation, that his arrival at Constantinople preceded any certain account of his departure from the port of Carthage. Such unsuspecting loyalty removed the apprehensions of Justinian; envy was silenced and inflamed by the public gratitude; and the third Africanus obtained the honors of a triumph, a ceremony which the city of Constantine had never seen, and which ancient Rome, since the reign of Tiberius, had reserved for the *auspicious* arms of the Cæsars.<sup>22</sup> From the palace of Belisarius, the procession was conducted through the principal streets to the hippodrome; and this memorable day seemed to avenge the injuries of Genseric, and to expiate the shame of the Romans. The wealth of nations was displayed, the trophies of martial or effeminate luxury; rich armor, golden thrones, and the chariots of state which had been used by the Vandal queen; the massy furniture of the royal banquet, the splendor of precious stones, the elegant forms of statues and vases, the more substantial treasure of gold, and the holy vessels of the Jewish temple, which after their long peregrination were respectfully

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and was silent at the greatest of his calamities, (l. iii. c. 14.) In the interview of Paulus Æmilius and Perses, Belisarius might study his part; but it is probable that he never read either Livy or Plutarch; and it is certain that his generosity did not need a tutor.

<sup>22</sup> After the title of *imperator* had lost the old military sense, and the Roman *auspices* were abolished by Christianity, (see La Bletterie, *Mém. de l'Académie*, tom. xxi. p. 302—332,) a triumph might be given with less inconsistency to a private general.

deposited in the Christian church of Jerusalem. A long train of the noblest Vandals reluctantly exposed their lofty stature and manly countenance. Gelimer slowly advanced: he was clad in a purple robe, and still maintained the majesty of a king. Not a tear escaped from his eyes, not a sigh was heard; but his pride or piety derived some secret consolation from the words of Solomon,<sup>22</sup> which he repeatedly pronounced, VANITY! VANITY! ALL IS VANITY! Instead of ascending a triumphal car drawn by four horses or elephants, the modest conqueror marched on foot at the head of his brave companions; his prudence might decline an honor too conspicuous for a subject; and his magnanimity might justly disdain what had been so often sullied by the vilest of tyrants. The glorious procession entered the gate of the hippodrome; was saluted by the acclamations of the senate and people; and halted before the throne where Justinian and Theodora were seated to receive homage of the captive monarch and the victorious hero. They both performed the customary adoration; and falling prostrate on the ground, respectfully touched the footstool of a prince who had not unsheathed his sword, and of a prostitute who had danced on the theatre; some gentle violence was used to bend the stubborn spirit of the grandson of Genseric; and however trained to servitude, the genius of Belisarius must have secretly rebelled. He was immediately declared consul for the ensuing year, and the day of his inauguration resembled the pomp of a second triumph: his curule chair was borne aloft on the shoulders of captive Vandals; and the spoils of war, gold cups, and rich girdles, were profusely scattered among the populace.

But the purest reward of Belisarius was in the faithful execution of a treaty for which his honor had been pledged

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<sup>22</sup> If the Ecclesiastes be truly a work of Solomon, and not, like Prior's poem, a pious and moral composition of more recent times, in his name, and on the subject of his repentance. The latter is the opinion of the learned and free-spirited Grotius, (*Opp. Theolog. tom. i. p. 258*;) and indeed the Ecclesiastes and Proverbs display a larger compass of thought and experience than seem to belong either to a Jew or a king.\*

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\* Rosenmüller, arguing from the difference of style from that of the greater part of the book of Proverbs, and from its nearer approximation to the Aramaic dialect than any book of the Old Testament, assigns the Ecclesiastes to some period between Nehemiah and Alexander the Great. *Schol. in Vet. Test. ix. Proemium ad Eccles. p. 19.—M.*

to the king of the Vandals. The religious scruples of Geli-mer, who adhered to the Arian heresy, were incompatible with the dignity of senator or patrician: but he received from the emperor an ample estate in the province of Galatia, where the abdicated monarch retired, with his family and friends, to a life of peace, of affluence, and perhaps of content.<sup>24</sup> The daughters of Hilderic were entertained with the respectful tenderness due to their age and misfortune; and Justinian and Theodora accepted the honor of educating and enriching the female descendants of the great Theodosius. The bravest of the Vandal youth were distributed into five squadrons of cavalry, which adopted the name of their benefactor, and supported in the Persian wars the glory of their ancestors. But these rare exceptions, the reward of birth or valor, are insufficient to explain the fate of a nation, whose numbers before a short and bloodless war, amounted to more than six hundred thousand persons. After the exile of their king and nobles, the servile crowd might purchase their safety by abjuring their character, religion, and language; and their degenerate posterity would be insensibly mingled with the common herd of African subjects. Yet even in the present age, and in the heart of the Moorish tribes, a curious traveller has discovered the white complexion and long flaxen hair of a northern race;<sup>25</sup> and it was formerly believed, that the boldest of the Vandals fled beyond the power, or even the knowledge, of the Romans, to enjoy their solitary freedom on the shores of the Atlantic Ocean.<sup>26</sup> Africa had been their empire, it became their prison; nor could they entertain a hope, or even a wish, of returning to the banks of the Elbe, where their brethren, of a spirit less adventurous, still wan-

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<sup>24</sup> In the *Bélisaire* of Marmontel, the king and the conqueror of Africa meet, sup, and converse, without recollecting each other. It is surely a fault of that romance, that not only the hero, but all to whom he had been so conspicuously known, appear to have lost their eyes or their memory.

<sup>25</sup> Shaw, p. 59. Yet since Procopius (l. ii. c. 13) speaks of a people of Mount Atlas, as already distinguished by white bodies and yellow hair, the phenomenon (which is likewise visible in the Andes of Peru Buffon, tom. iii. p. 504,) may naturally be ascribed to the elevation of the ground and the temperature of the air.

<sup>26</sup> The geographer of Ravenna (l. iii. c. xi. p. 129, 130, 131, Paris, 1688) describes the Mauritania *Gaditana*, (opposite to Cadix,) ubi *gens* Vandalorum, a Belisario devicta in Africâ, fugit, et nunquam com-  
paruit

dered in their native forests. It was impossible for cowards to surmount the barriers of unknown seas and hostile Barbarians; it was impossible for brave men to expose their nakedness and defeat before the eyes of their countrymen, to describe the kingdoms which they had lost, and to claim a share of the humble inheritance, which, in a happier hour, they had almost unanimously renounced.<sup>37</sup> In the country between the Elbe and the Oder, several populous villages of Lusatia are inhabited by the Vandals: they still preserve their language, their customs, and the purity of their blood; support, with some impatience, the Saxon or Prussian yoke; and serve, with secret and voluntary allegiance, the descendant of their ancient kings, who in his garb and present fortune is confounded with the meanest of his vassals.<sup>38</sup> The name and situation of this unhappy people might indicate their descent from one common stock with the conquerors of Africa. But the use of a Sclavonian dialect more clearly represent them as the last remnant of the new colonies, who succeeded to the genuine Vandals, already scattered or destroyed in the age of Procopius.<sup>39</sup>

If Belisarius had been tempted to hesitate in his allegiance, he might have urged, even against the emperor himself, the indispensable duty of saving Africa from an enemy more barbarous than the Vandals. The origin of the Moors is involved in darkness; they were ignorant of the use of letters.<sup>40</sup> Their limits cannot be precisely defined; a boundless

<sup>37</sup> A single voice had protested, and Genseric dismissed, without a formal answer, the Vandals of Germany; but those of Africa derided his prudence, and affected to despise the poverty of their forests, (Procopius, Vandal. l. i. c. 22.)

<sup>38</sup> From the mouth of the great elector (in 1687) Tollius describes the secret royalty and rebellious spirit of the Vandals of Brandenburg, who could muster five or six thousand soldiers who had procured some cannon, &c. (Itinerar. Hungar. p. 42, apud Dubos, Hist. de la Monarchie Française, tom. i. p. 182, 183.) The veracity, not of the elector, but of Tollius himself, may justly be suspected.\*

<sup>39</sup> Procopius (l. i. c. 22) was in total darkness—*οὐτε μνημον τις οὐτε βρομα is ἐπὶ ταῖς οὐκ ἐστὶν*. Under the reign of Dagobert, (A. D. 630,) the Sclavonian tribes of the Sorbi and Venedi already bordered on Thuringia, (Mascou, Hist. of the Germans, xv. 3, 4, 5.)

<sup>40</sup> Sallust represents the Moors as a remnant of the army of Heia-

\* The Wendish population of Brandenburg are now better known; but the Wends are clearly of the Sclavonian race, the Vandals most probably Teutonic and nearly allied to the Goths.—M.



Roman city, once the seat of a legion, and the residence of forty thousand inhabitants. The Ionic temple of *Æsculapius* is encompassed with Moorish huts; and the cattle now graze in the midst of an amphitheatre, under the shade of Corinthian columns. A sharp perpendicular rock rises above the level of the mountain, where the African princes deposited their wives and treasure; and a proverb is familiar to the Arabs, that the man may eat fire who dares to attack the craggy cliffs and inhospitable natives of Mount Aurasius. This hardy enterprise was twice attempted by the eunuch Solomon: from the first, he retreated with some disgrace; and in the second, his patience and provisions were almost exhausted; and he must again have retired, if he had not yielded to the impetuous courage of his troops, who audaciously scaled, to the astonishment of the Moors, the mountain, the hostile camp, and the summit of the Geminian rock. A citadel was erected to secure this important conquest, and to remind the Barbarians of their defeat; and as Solomon pursued his march to the west, the long-lost province of Mauritanian Sitifi was again annexed to the Roman empire. The Moorish war continued several years after the departure of Belisarius; but the laurels which he resigned to a faithful lieutenant may be justly ascribed to his own triumph.

The experience of past faults, which may sometimes correct the mature age of an individual, is seldom profitable to the successive generations of mankind. The nations of antiquity, careless of each other's safety, were separately vanquished and enslaved by the Romans. This awful lesson might have instructed the Barbarians of the West to oppose, with timely counsels and confederate arms, the unbounded ambition of Justinian. Yet the same error was repeated, the same consequences were felt, and the Goths, both of Italy and Spain, insensible of their approaching danger, beheld with indifference, and even with joy, the rapid downfall of the Vandals. After the failure of the royal line, Theudes, a valiant and powerful chief, ascended the throne of Spain, which he had formerly administered in the name of Theodoric and his infant grandson. Under his command, the Visigoths besieged the fortress of Ceuta on the African coast: but, while they spent the Sabbath day in peace and devotion, the pious security of their camp was invaded by a sally from the town; and the king himself, with some difficulty and danger, es

escaped from the hands of a sacrilegious enemy.<sup>46</sup> It was not long before his pride and resentment were gratified by a suppliant embassy from the unfortunate Gelimer, who implored, in his distress, the aid of the Spanish monarch. But instead of sacrificing these unworthy passions to the dictates of generosity and prudence, Theudes amused the ambassadors till he was secretly informed of the loss of Carthage, and then dismissed them with obscure and contemptuous advice, to seek in their native country a true knowledge of the state of the Vandals.<sup>47</sup> The long continuance of the Italian war delayed the punishment of the Visigoths; and the eyes of Theudes were closed before they tasted the fruits of his mistaken policy. After his death, the sceptre of Spain was disputed by a civil war. The weaker candidate solicited the protection of Justinian, and ambitiously subscribed a treaty of alliance, which deeply wounded the independence and happiness of his country. Several cities, both on the ocean and the Mediterranean, were ceded to the Roman troops, who afterwards refused to evacuate those pledges, as it should seem, either of safety or payment; and as they were fortified by perpetual supplies from Africa, they maintained their impregnable stations, for the mischievous purpose of inflaming the civil and religious factions of the Barbarians. Seventy years elapsed before this painful thorn could be extirpated from the bosom of the monarchy; and as long as the emperors retained any share of these remote and useless possessions, their vanity might number Spain in the list of their provinces, and the successors of Alaric in the rank of their vassals.<sup>48</sup>

The error of the Goths who reigned in Italy was less excusable than that of their Spanish brethren, and their punishment was still more immediate and terrible. From a motive of private revenge, they enabled their most dangerous enemy to destroy their most valuable ally. A sister of the great

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<sup>46</sup> Isidor. Chron. p. 722, edit. Grot. Mariana, Hist. Hispan. l. v. c. 8, p. 173. Yet according to Isidore, the siege of Ceuta, and the death of Theudes, happened A. Æ. H. 586—A. D. 548; and the place was defended, not by the Vandals, but by the Romans.

<sup>47</sup> Procopius, Vandal. l. i. c. 24.

<sup>48</sup> See the original Chronicle of Isidore, and the vii and viii books of the History of Spain by Mariana. The Romans were finally expelled by Suintila, king of the Visigoths, (A. D. 621—626.) after their reunion to the Catholic church.

Theodoric had been given in marriage to Thrasimond, the African king: "on this occasion, the fortress of Lilybæum" in Sicily was resigned to the Vandals; and the princess Amalafrida was attended by a martial train of one thousand nobles, and five thousand Gothic soldiers, who signalized their valor in the Moorish wars. Their merit was overrated by themselves, and perhaps neglected by the Vandals; they viewed the country with envy, and the conquerors with disdain; but their real or fictitious conspiracy was prevented by a massacre; the Goths were oppressed, and the captivity of Amalafrida was soon followed by her secret and suspicious death. The eloquent pen of Cassiodorus was employed to reproach the Vandal court with the cruel violation of every social and public duty; but the vengeance which he threatened in the name of his sovereign might be derided with impunity, as long as Africa was protected by the sea, and the Goths were destitute of a navy. In the blind impotence of grief and indignation, they joyfully saluted the approach of the Romans, entertained the fleet of Belisarius in the ports of Sicily, and were speedily delighted or alarmed by the surprising intelligence, that their revenge was executed beyond the measure of their hopes, or perhaps of their wishes. To their friendship the emperor was indebted for the kingdom of Africa, and the Goths might reasonably think, that they were entitled to resume the possession of a barren rock, so recently separated as a nuptial gift from the island of Sicily. They were soon undeceived by the haughty mandate of Belisarius, which excited their tardy and unavailing repentance. "The city and promontory of Lilybæum," said the Roman general, "belonged to the Vandals, and I claim them by the right of conquest. Your submission may deserve the favor of the emperor; your obstinacy will provoke his displeasure, and must kindle a war, that can terminate only in your utter ruin. If you compel us to take up arms, we shall contend, not to regain the possession of a single city, but to deprive you of all the provinces which you unjustly withhold from their law

<sup>49</sup> See the marriage and fate of Amalafrida in Procopius, (*Vandal* l. i. c. 8, 9,) and in Cassiodorus (*Var.* ix. 1) the expostulation of her royal brother. Compare likewise the Chronicle of Victor Tununensis.

<sup>50</sup> Lilybæum was built by the Carthaginians, *Olymp.* xcv. 4; and in the first Punic war, a strong situation, and excellent harbor, rendered that place an important object to both nations.

ful sovereign." A nation of two hundred thousand soldiers might have smiled at the vain menace of Justinian and his lieutenant: but a spirit of discord and disaffection prevailed in Italy, and the Goths supported, with reluctance, the indignity of a female reign.<sup>41</sup>

The birth of Amalasontha, the regent and queen of Italy," united the two most illustrious families of the Barbarians. Her mother, the sister of Clovis, was descended from the long-haired kings of the *Merovingian* race;" and the regal succession of the *Amali* was illustrated in the eleventh generation, by her father, the great Theodoric, whose merit might have ennobled a plebeian origin. The sex of his daughter excluded her from the Gothic throne; but his vigilant tenderness for his family and his people discovered the last heir of the royal line, whose ancestors had taken refuge in Spain; and the fortunate Eutharic was suddenly exalted to the rank of a consul and a prince. He enjoyed only a short time the charms of Amalasontha, and the hopes of the succession; and his widow, after the death of her husband and father, was left the guardian of her son Athalaric, and the kingdom of Italy. At the age of about twenty-eight years, the endowments of her mind and person had attained their perfect maturity. Her beauty, which, in the apprehension of Theodora herself, might have disputed the conquest of an emperor, was animated by manly sense, activity, and resolution. Education and experience had cultivated her talents; her philosophic studies were exempt from vanity; and, though she expressed herself with equal elegance and ease in the Greek, the Latin, and the Gothic tongue, the daughter of Theodoric maintained in her counsels a discreet and impenetrable silence. By a faithful imitation of the virtues, she revived the prosperity, of his reign;

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<sup>41</sup> Compare the different passages of Procopius, (Vandal. l. ii. c. 5. Gothic. l. i. c. 3.)

<sup>42</sup> For the reign and character of Amalasontha, see Procopius, (Gothic. l. i. c. 2, 3, 4, and Anecd. c. 16, with the Notes of Alemanus,) Cassiodorus, (Var. viii. ix. x. and xi. 1,) and Jornandes, (De Rebus Geticis, c. 59, and De Successione Regnorum, in Muratori, tom. i. p. 241.)

<sup>43</sup> The marriage of Theodoric with Audefreda, the sister of Clovis, may be placed in the year 495, soon after the conquest of Italy, (De Bunt, Hist. des Peuples, tom. ix. p. 213.) The nuptials of Eutharic and Amalasontha were celebrated in 515, (Cassiodor. in Chron. p. 453.)

while she strove, with pious care, to expiate the faults, and to obliterate the darker memory of his declining age. The children of Boethius and Symmachus were restored to their paternal inheritance; her extreme lenity never consented to inflict any corporal or pecuniary penalties on her Roman subjects; and she generously despised the clamors of the Goths, who, at the end of forty years, still considered the people of Italy as their slaves or their enemies. Her salutary measures were directed by the wisdom, and celebrated by the eloquence, of Cassiodorus; she solicited and deserved the friendship of the emperor; and the kingdoms of Europe respected, both in peace and war, the majesty of the Gothic throne. But the future happiness of the queen and of Italy depended on the education of her son; who was destined, by his birth, to support the different and almost incompatible characters of the chief of a Barbarian camp, and the first magistrate of a civilized nation. From the age of ten years,<sup>44</sup> Athalaric was diligently instructed in the arts and sciences, either useful or ornamental for a Roman prince; and three venerable Goths were chosen to instil the principles of honor and virtue into the mind of their young king. But the pupil who is insensible of the benefits, must abhor the restraints, of education; and the solicitude of the queen, which affection rendered anxious and severe, offended the untractable nature of her son and his subjects. On a solemn festival, when the Goths were assembled in the palace of Ravenna, the royal youth escaped from his mother's apartment, and, with tears of pride and anger, complained of a blow which his stubborn disobedience had provoked her to inflict. The Barbarians resented the indignity which had been offered to their king; accused the regent of conspiring against his life and crown; and imperiously demanded, that the grandson of Theodoric should be rescued from the dastardly discipline of women and pedants, and educated, like a valiant Goth, in the society of his equals and the glorious ignorance of his ancestors. To this rude clamor, unfortunately urged as the voice of the nation, Amalasontha was compelled to yield her reason, and the dearest wishes of

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<sup>44</sup> At the death of Theodoric his grandson Athalaric is described by Procopius as a boy about eight years old—*ὁκτώ ἡγεγονὸς ἔτη*. Cassiodorus, with authority and reason, adds two years to his age—*infantulum vix decennem*.

her heart. The king of Italy was abandoned to wine, to women, and to rustic sports; and the indiscreet contempt of the ungrateful youth betrayed the mischievous designs of his favorites and her enemies. Encompassed with domestic foes, she entered into a secret negotiation with the emperor Justinian; obtained the assurance of a friendly reception, and had actually deposited at Dyrachium, in Epirus, a treasure of forty thousand pounds of gold. Happy would it have been for her fame and safety, if she had calmly retired from barbarous faction to the peace and splendor of Constantinople. But the mind of Amalasontha was inflamed by ambition and revenge; and while her ships lay at anchor in the port, she waited for the success of a crime which her passions excused or applauded as an act of justice. Three of the most dangerous malecontents had been separately removed under the pretence of trust and command, to the frontiers of Italy: they were assassinated by her private emissaries; and the blood of these noble Goths rendered the queen-mother absolute in the court of Ravenna, and justly odious to a free people. But if she had lamented the disorders of her son, she soon wept his irreparable loss; and the death of Athalaric, who, at the age of sixteen, was consumed by premature intemperance, left her destitute of any firm support or legal authority. Instead of submitting to the laws of her country which held as a fundamental maxim, that the succession could never pass from the lance to the distaff, the daughter of Theodoric conceived the impracticable design of sharing, with one of her cousins, the regal title, and of reserving in her own hands the substance of supreme power. He received the proposal with profound respect and affected gratitude; and the eloquent Cassiodorus announced to the senate and the emperor, that Amalasontha and Theodatus had ascended the throne of Italy. His birth (for his mother was the sister of Theodoric) might be considered as an imperfect title; and the choice of Amalasontha was more strongly directed by her contempt of his avarice and pusillanimity which had deprived him of the love of the Italians, and the esteem of the Barbarians. But Theodatus was exasperated by the contempt which he deserved: her justice had repressed and reproached the oppression which he exercised against his Tuscan neighbors; and the principal Goths, united by common guilt and resentment, conspired to instigate his slow and timid disposition. The letters of congratulation were scarcely

despatched before the queen of Italy was imprisoned in a small island of the Lake of Bolsena," where, after a short confinement, she was strangled in the bath, by the order, or with the connivance of the new king, who instructed his turbulent subjects to shed the blood of their sovereigns.

Justinian beheld with joy the dissensions of the Goths; and the mediation of an ally concealed and promoted the ambitious views of the conqueror. His ambassadors, in their public audience, demanded the fortress of Lilybæum, ten Barbarian fugitives, and a just compensation for the pillage of a small town on the Illyrian borders; but they secretly negotiated with Theodatus to betray the province of Tuscany, and tempted Amalasontha to extricate herself from danger and perplexity, by a free surrender of the kingdom of Italy. A false and servile epistle was subscribed, by the reluctant hand of the captive queen: but the confession of the Roman senators, who were sent to Constantinople, revealed the truth of her deplorable situation; and Justinian, by the voice of a new ambassador, most powerfully interceded for her life and liberty.\* Yet the secret instructions of the same minister were adapted to serve the cruel jealousy of Theodora, who dreaded the presence and superior charms of a rival: he prompted, with artful and ambiguous hints, the execution of a crime so useful to the Romans;" received the intelligence

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" The lake, from the neighboring towns of Etruria, was styled either Vulsiniensis (now of Bolsena) or Tarquiniensis. It is surrounded with white rocks, and stored with fish and wild-fowl. The younger Pliny (Epist. ii. 96) celebrates two woody islands that floated on its waters: if a fable, how credulous the ancients! if a fact, how careless the moderns! Yet, since Pliny, the island may have been fixed by new and gradual accessions.

" Yet Procopius discredits his own evidence, (Anecd. c. 16,) by confessing that in his public history he had not spoken the truth. See the Epistles from Queen Gundelina to the Empress Theodora, (Var. x. 20, 21, 23, and observe a suspicious word, *de illâ personâ, &c.*) with the elaborate Commentary of Buat, (tom. x. p. 117—185.)

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\* Amalasontha was not alive when this new ambassador, Peter of Thessalonica, arrived in Italy: he could not then secretly contribute to her death. "But (says M. de Sainte Croix) it is not beyond probability that Theodora had entered into some criminal intrigue with Gundelina; for that wife of Theodatus wrote to implore her protection, reminding her of the confidence which she and her husband had always placed in her former promises." See on Amalasontha and the authors of her death an excellent dissertation of M. de Sainte Croix in the Archives Littéraires published by M. Vandenboerg, No. 50, t. xvii. p. 216.—G.

of her death with grief and indignation, and denounced, in his master's name, immortal war against the perfidious assassin. In Italy, as well as in Africa, the guilt of a usurper appeared to justify the arms of Justinian; but the forces which he prepared, were insufficient for the subversion of a mighty kingdom, if their feeble numbers had not been multiplied by the name, the spirit, and the conduct, of a hero. A chosen troop of guards, who served on horseback, and were armed with lances and bucklers, attended the person of Belisarius; his cavalry was composed of two hundred Huns, three hundred Moors, and four thousand *confederates*, and the infantry consisted of only three thousand *saurians*. Steering the same course as in his former expedition, the Roman consul cast anchor before Catana in Sicily, to survey the strength of the island, and to decide whether he should attempt the conquest, or peaceably pursue his voyage for the African coast. He found a fruitful land and a friendly people. Notwithstanding the decay of agriculture, Sicily still supplied the granaries of Rome: the farmers were graciously exempted from the oppression of military quarters; and the Goths, who trusted the defence of the island to the inhabitants, had some reason to complain, that their confidence was ungratefully betrayed. Instead of soliciting and expecting the aid of the king of Italy, they yielded to the first summons a cheerful obedience; and this province, the first fruits of the Punic war, was again, after a long separation, united to the Roman empire.\* The Gothic garrison of Palermo, which alone attempted to resist, was reduced, after a short siege, by a singular stratagem. Belisarius introduced his ships into the deepest recess of the harbor; their boats were laboriously hoisted with ropes and pulleys to the top-mast head, and he filled them with archers, who, from that superior station, commanded the ramparts of the city. After this easy, though successful campaign, the conqueror entered Syracuse in triumph, at the head of his victorious bands, distributing gold medals to the people, on the day which so gloriously terminated the year of the consulship. He passed the winter season in the palace of ancient kings, amidst the ruins of a Grecian colony, which once extended to a circumference of

\* For the conquest of Sicily, compare the narrative of Procopius with the complaints of Totila, (Gothic. l. i. c. 5, l. iii. c. 16.) The Gothic queen had lately relieved that thankless island, (Var. ix. 10, 11.)



two-and-twenty miles:" but in the spring, about the festival of Easter, the prosecution of his designs was interrupted by a dangerous revolt of the African forces. Carthage was saved by the presence of Belisarius, who suddenly landed with a thousand guards.\* Two thousand soldiers of doubtful faith returned to the standard of their old commander: and he marched, without hesitation, above fifty miles, to seek an enemy whom he affected to pity and despise. Eight thousand rebels trembled at his approach; they were routed at the first onset, by the dexterity of their master: and this ignoble victory would have restored the peace of Africa, if the conqueror had not been hastily recalled to Sicily, to appease a sedition which was kindled during his absence in his own camp." Disorder and disobedience were the common malady of the times; the genius to command, and the virtue to obey, resided only in the mind of Belisarius.

Although Theodatus descended from a race of heroes, he was ignorant of the art, and averse to the dangers, of war. Although he had studied the writings of Plato and Tully, philosophy was incapable of purifying his mind from the basest passions, avarice and fear. He had purchased a sceptre by ingratitude and murder: at the first menace of an enemy, he degraded his own majesty and that of a nation, which already disdained their unworthy sovereign. Astonished by the recent example of Gelimer, he saw himself dragged in chains through the streets of Constantinople: the terrors which Belisarius inspired were heightened by the eloquence of Peter, the Byzantine ambassador; and that bold and subtle advocate persuaded him to sign a treaty, too ignominious to become the foundation of a lasting peace. It was stipulated, that in the acclamations of the Roman people, the name of the emperor should be always proclaimed before

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" The ancient magnitude and splendor of the five quarters of Syracuse are delineated by Cicero, (in Verrem, actio ii. l. iv. c. 52, 53,) Strabo, (l. vi. p. 415,) and D'Orville Sicula, (tom. ii. p. 174—202.) The new city, restored by Augustus, shrank towards the island.

" Procopius (Vandal. l. ii. c. 14, 15) so clearly relates the return of Belisarius into Sicily, (p. 146, edit. Hoeschelii,) that I am astonished at the strange misapprehension and reproaches of a learned critic (*Œuvres de la Mothe le Vayer*, tom. viii. p. 162. 163.)

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\* A hundred, (there was no room on board for more) Gibbon has here been misled by Cousin's translation. Lord Mahon, p. 177. —M.

that of the Gothic king; and that as often as the statue of Theodatus was erected in brass or marble, the divine image of Justinian should be placed on its right hand. Instead of conferring, the king of Italy was reduced to solicit, the honors of the senate; and the consent of the emperor was made indispensable before he could execute, against a priest or senator, the sentence either of death or confiscation. The feeble monarch resigned the possession of Sicily; offered, as the annual mark of his dependence, a crown of gold of the weight of three hundred pounds; and promised to supply, at the requisition of his sovereign, three thousand Gothic auxiliaries, for the service of the empire. Satisfied with these extraordinary concessions, the successful agent of Justinian hastened his journey to Constantinople; but no sooner had he reached the Alban villa,\* than he was recalled by the anxiety of Theodatus; and the dialogue which passed between the king and the ambassador deserves to be represented in its original simplicity. "Are you of opinion that the emperor will ratify this treaty? *Perhaps*. If he refuses, what consequence will ensue? *War*. Will such a war be just or reasonable? *Most assuredly: every one should act according to his character*. What is your meaning? *You are a philosopher—Justinian is emperor of the Romans: it would ill become the disciple of Plato to shed the blood of thousands in his private quarrel: the successor of Augustus should vindicate his rights, and recover by arms the ancient provinces of his empire*." This reasoning might not convince, but it was sufficient to alarm and subdue the weakness of Theodatus; and he soon descended to his last offer, that for the poor equivalent of a pension of forty-eight thousand pounds sterling, he would resign the kingdom of the Goths and Italians, and spend the remainder of his days in the innocent pleasures of philosophy and agriculture. Both treaties were intrusted to the hands of the ambassador, on the frail security of an oath not to produce the second till the first had been positively rejected. The event may be easily foreseen: Justinian required and accepted the abdication of the Gothic king

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\* The ancient Alba was ruined in the first age of Rome. On the same spot, or at least in the neighborhood, successively arose, 1. The villa of Pompey, &c.; 2. A camp of the Prætorian cohorts; 3. The modern episcopal city of Albanum or Albano, (Procop. Goth. l. ii. c. 4. Oluver. Ital. Antiq. tom. ii. p. 914.)

His indefatigable agent returned from Constantinople to Ravenna, with ample instructions; and a fair epistle, which praised the wisdom and generosity of the royal philosopher, granted his pension, with the assurance of such honors as a subject and a Catholic might enjoy; and wisely referred the final execution of the treaty to the presence and authority of Belisarius. But in the interval of suspense, two Roman generals, who had entered the province of Dalmatia, were defeated and slain by the Gothic troops. From blind and abject despair, Theodatus capriciously rose to groundless and fatal presumption,<sup>41</sup> and dared to receive, with menace and contempt, the ambassador of Justinian; who claimed his promise, solicited the allegiance of his subjects, and boldly asserted the inviolable privilege of his own character. The march of Belisarius dispelled this visionary pride; and as the first campaign<sup>42</sup> was employed in the reduction of Sicily, the invasion of Italy is applied by Procopius to the second year of the Gothic war.<sup>43</sup>

After Belisarius had left sufficient garrisons in Palermo and Syracuse, he embarked his troops at Messina, and landed them, without resistance, on the opposite shores of Rhegium. A Gothic prince, who had married the daughter of Theodatus, was stationed with an army to guard the entrance of Italy; but he imitated, without scruple, the example of a sovereign faithless to his public and private duties. The perfidious Ebermor deserted with his followers to the Roman camp, and was dismissed to enjoy the servile honors of the Byzantine

<sup>41</sup> A Sibylline oracle was ready to pronounce—*Africa capta cum nato peribit*; a sentence of portentous ambiguity, (Gothic. l. i. c. 7,) which has been published in unknown characters by Opeopæus, an editor of the oracles. The Père Maltret has promised a commentary; but all his promises have been vain and fruitless.

<sup>42</sup> In his chronology, imitated, in some degree, from Thucydides, Procopius begins each spring the years of Justinian and of the Gothic war; and his first æra coincides with the first of April, 535, and not 536, according to the Annals of Baronius, (Pagi, Crit. tom. ii. p. 555, who is followed by Muratori and the editors of Sigonius.) Yet, in some passages, we are at a loss to reconcile the dates of Procopius with himself, and with the Chronicle of Marcellinus.

<sup>43</sup> The series of the first Gothic war is represented by Procopius (l. i. c. 5—29. l. ii. c. 1—30, l. iii. c. 1) till the captivity of Vitiges. With the aid of Sigonius (Opp. tom. i. de Imp. Occident. l. xvii. xviii.) and Muratori, (Annali d'Italia, tom. v.,) I have gleaned some few additional facts.

court." From Rhegium to Naples, the fleet and army of Belisarius, almost always in view of each other, advanced near three hundred miles along the sea-coast. The people of Bruttium, Lucania, and Campania, who abhorred the name and religion of the Goths, embraced the specious excuse, that their ruined walls were incapable of defence: the soldiers paid a just equivalent for a plentiful market; and curiosity alone interrupted the peaceful occupations of the husbandman or artificer. Naples, which has swelled to a great and populous capital, long cherished the language and manners of a Grecian colony;<sup>220</sup> and the choice of Virgil had ennobled this elegant retreat, which attracted the lovers of repose and study, from the noise, the smoke, and the laborious opulence of Rome.<sup>221</sup> As soon as the place was invested by sea and land, Belisarius gave audience to the deputies of the people, who exhorted him to disregard a conquest unworthy of his arms, to seek the Gothic king in a field of battle, and, after his victory, to claim, as the sovereign of Rome, the allegiance of the dependent cities. "When I treat with my enemies," replied the Roman chief, with a haughty smile, "I am more accustomed to give than to receive counsel; but I hold in one hand inevitable ruin, and in the other peace and freedom, such as Sicily now enjoys." The impatience of delay urged him to grant the most liberal terms; his honor secured their performance: but Naples was divided into two factions; and the Greek democracy was inflamed by their orators, who, with much spirit and some truth, represented to the multitude that the Goths would punish their defection, and that Belisarius himself must esteem their loyalty and valor. Their deliberations, however, were not perfectly free: the city was commanded by eight hundred Barbarians, whose wives and children were detained at Ravenna as the pledge of their

<sup>220</sup> Jornandes, de Rebus Geticis, c. 60, p. 702, edit. Grot., and tom. i. p. 221. Muratori, de Success. Regn. p. 241.

<sup>221</sup> Nero (says Tacitus, Annal. xv. 35) Neapolim quasi Græcam urbem delegit. One hundred and fifty years afterwards, in the time of Septimius Severus, the *Hellenism* of the Neapolitans is praised by Philostratus: γένος Ἑλληνικὸν καὶ ἀστυκὸν, ὅθεν καὶ τὰς σπουδὰς τῶν λόγων Ἑλληνικοὶ εἰσι, (Icon. l. i. p. 763, edit. Olear.)

<sup>222</sup> The otium of Naples is praised by the Roman poets, by Virgil, Horace, Silius Italicus, and Statius, (Cluver. Ital. Ant. l. iv. p. 1149, 1150.) In an elegant epistle, (Sylv. l. iii. 5, p. 94—98, edit. Markland,) Statius undertakes the difficult task of drawing his wife from the pleasures of Rome to that calm retreat.

fidelity; and even the Jews, who were rich and numerous, resisted, with desperate enthusiasm, the intolerant laws of Justinian. In a much later period, the circumference of Naples<sup>97</sup> measured only two thousand three hundred and sixty three paces: the fortifications were defended by precipices or the sea; when the aqueducts were intercepted, a supply of water might be drawn from wells and fountains; and the stock of provisions was sufficient to consume the patience of the besiegers. At the end of twenty days, that of Belisarius was almost exhausted, and he had reconciled himself to the disgrace of abandoning the siege, that he might march, before the winter season, against Rome and the Gothic king. But his anxiety was relieved by the bold curiosity of an Isaurian, who explored the dry channel of an aqueduct, and secretly reported, that a passage might be perforated to introduce a file of armed soldiers into the heart of the city. When the work had been silently executed, the humane general risked the discovery of his secret by a last and fruitless admonition of the impending danger. In the darkness of the night, four hundred Romans entered the aqueduct, raised themselves by a rope, which they fastened to an olive-tree, into the house or garden of a solitary matron, sounded their trumpets, surprised the sentinels, and gave admittance to their companions, who on all sides scaled the walls, and burst open the gates of the city. Every crime which is punished by social justice was practised as the rights of war; the Huns were distinguished by cruelty and sacrilege, and Belisarius alone appeared in the streets and churches of Naples to moderate the calamities which he predicted. "The gold and silver," he repeatedly exclaimed, "are the just rewards of your valor. But spare the inhabitants; they are Christians, they are suppliants, they are now your fellow-subjects. Restore the children to their parents, the wives to their husbands; and show them by you.

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<sup>97</sup> This measure was taken by Roger I., after the conquest of Naples, (A. D. 1139,) which he made the capital of his new kingdom. (Giannora, *Istoria Civile*, tom. ii. p. 169.) That city, the third in Christia Europe, is now at least twelve miles in circumference, (Jul. Cæsar. *Capaccii Hist. Neapol.* l. i. p. 47,) and contains more inhabitants (850,000) in a given space, than any other spot in the known world.

<sup>98</sup> Not geometrical, but common, paces or steps, of 22 French inches, (D'Anville, *Mésures Itinéraires*, p. 7, 8.) The 2363 do not make an English mile.

generosity of what friends they have obstinately deprived themselves." The city was saved by the virtue and authority of its conqueror;<sup>66</sup> and when the Neapolitans returned to their houses, they found some consolation in the secret enjoyment of their hidden treasures. The Barbarian garrison enlisted in the service of the emperor; Apulia and Calabria, delivered from the odious presence of the Goths, acknowledged his dominion; and the tusks of the Calydonian boar, which were still shown at Beneventum, are curiously described by the historian of Belisarius.<sup>70</sup>

The faithful soldiers and citizens of Naples had expected their deliverance from a prince, who remained the inactive and almost indifferent spectator of their ruin. Theodatus secured his person within the walls of Rome, whilst his cavalry advanced forty miles on the Appian way, and encamped in the Pomptine marshes; which, by a canal of nineteen miles in length, had been recently drained and converted into excellent pastures.<sup>71</sup> But the principal forces of the Goths were dispersed in Dalmatia, Venetia, and Gaul; and the feeble mind of their king was confounded by the unsuccessful event of a divination, which seemed to presage the downfall of his empire.<sup>72</sup> The most abject slaves have arraigned the guilt or weakness of an unfortunate master. The character of Theodatus was rigorously scrutinized by a free and idle camp of

<sup>66</sup> Belisarius was reproved by Pope Silverius for the massacre. He repeopled Naples, and imported colonies of African captives into Sicily, Calabria, and Apulia, (Hist. Miscell. l. xvi. in Muratori, tom. i. p. 106, 107.)

<sup>70</sup> Beneventum was built by Diomedes, the nephew of Meleager (Cluver. tom. ii. p. 1195, 1196.) The Calydonian hunt is a picture of savage life, (Ovid, Metamorph. l. viii.) Thirty or forty heroes were leagued against a hog: the brutes (not the hog) quarrelled with lady for the head.

<sup>71</sup> The *Decennovium* is strangely confounded by Cluverius (tom. ii. p. 1007) with the River Ufens. It was in truth a canal of nineteen miles, from Forum Appii to Terracina, on which Horace embarked in the night. The *Decennovium*, which is mentioned by Lucan, Dion Cassius, and Cassiodorus, has been sufficiently ruined, restored, and obliterated, (D'Anville, Analyse de l'Italie, p. 185, &c.)

<sup>72</sup> A Jew, gratified his contempt and hatred for all the Christians, by enclosing three bands, each of ten hogs, and discriminated by the names of Goths, Greeks, and Romans. Of the first, almost all were found dead; almost all of the second were alive: of the third, half died, and the rest lost their bristles. No unsuitable emblem of the event.

Barbarians, conscious of their privilege and power: he was declared unworthy of his race, his nation, and his throne; and their general Vitiges, whose valor had been signalized in the Illyrian war, was raised with unanimous applause on the bucklers of his companions. On the first rumor, the abdicated monarch fled from the justice of his country; but he was pursued by private revenge. A Goth, whom he had injured in his love, overtook Theodatus on the Flaminian way, and, regardless of his unmanly cries, slaughtered him, as he lay, prostrate on the ground, like a victim (says the historian) at the foot of the altar. The choice of the people is the best and purest title to reign over them; yet such is the prejudice of every age, that Vitiges impatiently wished to return to Ravenna, where he might seize, with the reluctant hand of the daughter of Amalasontha, some faint shadow of hereditary right. A national council was immediately held, and the new monarch reconciled the impatient spirit of the Barbarians to a measure of disgrace, which the misconduct of his predecessor rendered wise and indispensable. The Goths consented to retreat in the presence of a victorious enemy; to delay till the next spring the operations of offensive war; to summon their scattered forces; to relinquish their distant possessions, and to trust even Rome itself to the faith of its inhabitants. Leuderis, an ancient warrior, was left in the capital with four thousand soldiers; a feeble garrison, which might have seconded the zeal, though it was incapable of opposing the wishes, of the Romans. But a momentary enthusiasm of religion and patriotism was kindled in their minds. They furiously exclaimed, that the apostolic throne should no longer be profaned by the triumph or toleration of Arianism; that the tombs of the Cæsars should no longer be trampled by the savages of the North; and, without reflecting, that Italy must sink into a province of Constantinople, they fondly hailed the restoration of a Roman emperor as a new æra of freedom and prosperity. The deputies of the pope and clergy, of the senate and people, invited the lieutenant of Justinian to accept their voluntary allegiance, and to enter the city, whose gates would be thrown open for his reception. As soon as Belisarius had fortified his new conquests, Naples and Cumæ, he advanced about twenty miles to the banks of the Vulturnus, contemplated the decayed grandeur of Capua, and halted at the separation of the Latin and Appian ways. The work of the censor, after the incessant use of nine centuries, still preserv-

its primæval beauty, and not a flaw could be discovered in the large polished stones, of which that solid, though narrow road, was so firmly compacted." Belisarius, however, preferred the Latin way, which, at a distance from the sea and the marshes, skirted in a space of one hundred and twenty miles along the foot of the mountains. His enemies had disappeared: when he made his entrance through the Asiarian gate, the garrison departed without molestation along the Flaminian way; and the city, after sixty years' servitude, was delivered from the yoke of the Barbarians. Leuderic alone, from a motive of pride or discontent, refused to accompany the fugitives; and the Gothic chief, himself a trophy of the victory, was sent with the keys of Rome to the throne of the emperor Justinian.<sup>23</sup>

The first days, which coincided with the old Saturnalia, were devoted to mutual congratulation and the public joy; and the Catholics prepared to celebrate, without a rival, the approaching festival of the nativity of Christ. In the familiar conversation of a hero, the Romans acquired some notion of the virtues which history ascribed to their ancestors; they were edified by the apparent respect of Belisarius for the successor of St. Peter, and his rigid discipline secured in the midst of war the blessings of tranquillity and justice. They applauded the rapid success of his arms, which overran the adjacent country, as far as Narni, Perugia, and Spoleto; but they trembled, the senate, the clergy, and the unwarlike people, as soon as they understood that he had resolved, and would speedily be reduced, to sustain a siege against the powers of the Gothic monarchy. The designs of Vitige were executed, during the winter season, with diligence and effect. From their rustic habitations, from their distant gar-

<sup>23</sup> Bergier (*Hist. des Grands Chemins des Romains*, tom. i. p. 221—228, 440—444) examines the structure and materials, while D'Anville (*Analyse d'Italie*, p. 200—123) defines the geographical line.

<sup>24</sup> Of the first recovery of Rome, the *year* (536) is certain, from the series of events, rather than from the corrupt, or interpolated, text of Procopius. The *month* (December) is ascertained by Evagrius, (l. iv. c. 19.); and the *day* (the *tenth*) may be admitted on the slight evidence of Nicephorus Callistus, (l. xvii. c. 13.) For this accurate chronology, we are indebted to the diligence and judgment of Pagi, (tom. ii. p. 559, 560.)\*

\* Compare Maltret's note, in the edition of Diador: the ninth is the day, according to his reading,—M.



risona, the Goths assembled at Ravenna for the defence of their country; and such were their numbers, that, after an army had been detached for the relief of Dalmatia, one hundred and fifty thousand fighting men marched under the royal standard. According to the degrees of rank or merit, the Gothic king distributed arms and horses, rich gifts, and liberal promises; he moved along the Flaminian way, declined the useless sieges of Perusia and Spoleto, respected the impregnable rock of Narni, and arrived within two miles of Rome at the foot of the Milvian bridge. The narrow passage was fortified with a tower, and Belisarius had computed the value of the twenty days which must be lost in the construction of another bridge. But the consternation of the soldiers of the tower, who either fled or deserted, disappointed his hopes, and betrayed his person into the most imminent danger. At the head of one thousand horse, the Roman general sallied from the Flaminian gate to mark the ground of an advantageous position, and to survey the camp of the Barbarians; but while he still believed them on the other side of the Tyber, he was suddenly encompassed and assaulted by their numerous squadrons. The fate of Italy depended on his life; and the deserters pointed to the conspicuous horse a bay,<sup>75</sup> with a white face, which he rode on that memorable day. "Aim at the bay horse," was the universal cry. Every bow was bent, every javelin was directed, against that fatal object, and the command was repeated and obeyed by thousands who were ignorant of its real motive. The bolder Barbarians advanced to the more honorable combat of swords and spears; and the praise of an enemy has graced the fall of Visandus, the standard-bearer,<sup>76</sup> who maintained his foremost station, till he was pierced with thirteen wounds, perhaps by the hand of Belisarius himself. The Roman general was strong, active, and dexterous; on every side he discharged his weighty and mortal strokes: his faithful guards imitated

<sup>75</sup> A horse of a bay or red color was styled *φάλος* by the Greeks, *latus* by the Barbarians, and *spadix* by the Romans. Honesti spadices, says Virgil, (Georgic. l. iii. 72, with the Observations of Martin and Heyne.) *Σπαδιξ*, or *βαίον*, signifies a branch of the palm-tree, whose name, *φοινίξ*, is synonymous to *red*, (Aulus Gellius, ii. 26.)

<sup>76</sup> I interpret *βανδαλάριος*, not as a proper name, but an office, standard-bearer, from *bandum*, (vexillum,) a Barbaric word adopted by the Greeks and Romans, (Paul Diacon. l. i. c. 20, p. 760. Grot. Nomina Gothica, p. 575. Ducange, Gloss. Latin. tom. i. p. 539, 540.)

his valor, and defended his person; and the Goths, after the loss of a thousand men, fled before the arms of a hero. They were rashly pursued to their camp; and the Romans, oppressed by multitudes, made a gradual, and at length a precipitate retreat to the gates of the city: the gates were shut against the fugitives; and the public terror was increased, by the report that Belisarius was slain. His countenance was indeed disfigured by sweat, dust, and blood; his voice was hoarse, his strength was almost exhausted; but his unconquerable spirit still remained; he imparted that spirit to his desponding companions; and their last desperate charge was felt by the flying Barbarians, as if a new army, vigorous and entire, had been poured from the city. The Flaminian gate was thrown open to a *real* triumph; but it was not before Belisarius had visited every post, and provided for the public safety, that he could be persuaded, by his wife and friends, to taste the needful refreshments of food and sleep. In the more improved state of the art of war, a general is seldom required, or even permitted to display the personal prowess of a soldier; and the example of Belisarius may be added to the rare examples of Henry IV., of Pyrrhus, and of Alexander.

After this first and unsuccessful trial of their enemies, the whole army of the Goths passed the Tyber, and formed the siege of the city, which continued above a year, till their final departure. Whatever fancy may conceive, the severe compass of the geographer defines the circumference of Rome within a line of twelve miles and three hundred and forty-five paces; and that circumference, except in the Vatican, has invariably been the same from the triumph of Aurelian to the peaceful but obscure reign of the modern popes."

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" M. D'Anville has given, in the Memoirs of the Academy for the year 1756, (tom. xxx. p. 198—236,) a plan of Rome on a smaller scale, but far more accurate than that which he had delineated in 1738 for Rollin's history. Experience had improved his knowledge, and instead of Rossi's topography, he used the new and excellent map of Nolli. Pliny's old measure of thirteen must be reduced to eight miles. It is easier to alter a text, than to remove hills or buildings.\*

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\* Compare Gibbon, ch. xi. note 43, and xxxi. 67, and ch. lxxi. "It is quite clear," observes Sir J. Hobhouse, "that all these measurements differ, (in the first and second it is 21, in the text 12 and 345 paces, in the last 10,) yet it is equally clear that the historian avers that they are all the

But in the day of her greatness, the space within her walls was crowded with habitations and inhabitants; and the populous suburbs, that stretched along the public roads, were darted like so many rays from one common centre. Adversity swept away these extraneous ornaments, and left naked and desolate a considerable part even of the seven hills. Yet Rome in its present state could send into the field about thirty thousand males of a military age;<sup>79</sup> and, notwithstanding the want of discipline and exercise, the far greater part, inured to the hardships of poverty, might be capable of bearing arms for the defence of their country and religion. The prudence of Belisarius did not neglect this important resource. His soldiers were relieved by the zeal and diligence of the people, who watched while *they* slept, and labored while *they* reposed: he accepted the voluntary service of the bravest and most indigent of the Roman youth; and the companies of townsmen sometimes represented, in a vacant post, the presence of the troops which had been drawn away to more essential duties. But his just confidence was placed in the veterans who had fought under his banner in the Persian and African wars; and although that gallant band was reduced to five thousand men, he undertook, with such contemptible numbers, to defend a circle of twelve miles, against an army of one hundred and fifty thousand Barbarians. In the walls of Rome, which Belisarius constructed or restored, the materials of ancient architecture may be discerned;<sup>80</sup> and the whole fortification was completed, except in a chasm still extant between the Pincian and Flaminian gates, which the prejudices of the Goths and Romans left under the effectual guard of St. Peter the apostle.<sup>81</sup>

The battlements or bastions were shaped in sharp angles

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<sup>79</sup> In the year 1709, Labat (*Voyages en Italie*, tom. iii. p. 218) reckoned 138,568 Christian souls, besides 8000 or 10,000 Jews—without souls! In the year 1763, the numbers exceeded 160,000.

<sup>80</sup> The accurate eye of Nardini (*Roma Antica*, l. i. c. viii. p. 21) could distinguish the tumultuarie opere di Belisario.

<sup>81</sup> The fissure and leaning in the upper part of the wall, which Procopius observed, (*Goth. l. i. c. 13.*) is visible to the present hour, (*Donat. Roma Vetus*, l. i. c. 17, p. 53, 54.)

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same." The present extent 12½, nearly agrees with the second statement of Gibbon. Sir J. Hobhouse also observes that the walls were enlarged by Constantine; but there can be no doubt that the circuit has been much changed. *Illustr. of Ch. Harold*, p. 180.—M.

a ditch, broad and deep, protected the foot of the rampart; and the archers on the rampart were assisted by military engines; the *balistri*, a powerful cross-bow, which darted short but massy arrows; the *onagri*, or wild asses, which, on the principle of a sling, threw stones and bullets of an enormous size.<sup>81</sup> A chain was drawn across the Tyber; the arches of the aqueducts were made impervious, and the mole or sepulchre of Hadrian<sup>82</sup> was converted, for the first time, to the uses of a citadel. That venerable structure, which contained the ashes of the Antonines, was a circular turret rising from a quadrangular basis; it was covered with the white marble of Paros, and decorated by the statues of gods and heroes; and the lover of the arts must read with a sigh, that the works of Praxiteles or Lysippus were torn from their lofty pedestals, and hurled into the ditch on the heads of the besiegers.<sup>83</sup> To each of his lieutenants Belisarius assigned the defence of a gate, with the wise and peremptory instruction, that, whatever might be the alarm, they should steadily adhere to their respective posts, and trust their general for the safety of Rome. The formidable host of the Goths was insufficient to embrace the ample measure of the city, of the fourteen gates, seven only were invested from the Prænentine to the Flaminian way; and Vitiges divided his troops into six camps, each of which was fortified with a ditch and rampart. On

<sup>81</sup> Lipsius (Opp. tom. iii. Poliorcet, l. iii.) was ignorant of this clear and conspicuous passage of Procopius, (Goth. l. i. c. 21.) The engine was named *δυναγρος* the wild ass, a calcitrando, (Hen. Steph. Thesaur. Linguae Græc. tom. ii. p. 1340, 1341, tom. iii. p. 877.) I have seen an ingenious model, contrived and executed by General Melville, which imitates or surpasses the art of antiquity.

<sup>82</sup> The description of this mausoleum, or mole, in Procopius, (l. i. c. 25,) is the first and best. The height above the walls *σχεδόν τι ἐς λίθον βόλην*. On Nollé's great plan, the sides measure 260 English feet.\*

<sup>83</sup> Praxiteles excelled in Fauns, and that of Athens was his own masterpiece. Rome now contains about thirty of the same character. When the ditch of St. Angelo was cleansed under Urban VIII, the workmen found the sleeping Faun of the Barberini palace; but a leg, a thigh, and the right arm, had been broken from that beautiful statue, (Winkelman, Hist. de l'Art, tom. ii. p. 52, 53, tom. iii. p. 265.)

\* Donatus and Nardini suppose that Hadrian's tomb was fortified by Honorius; it was united to the wall by men of old, (*παλαιὸν ἄνθρωποι*. Procop. in loc.) Gibbon has mistaken the breadth for the height above the walls. Hubhouse, Illust. of Childe Harold, p. 302.—M.

the Tuscan side of the river, a seventh encampment was formed in the field or circus of the Vatican, for the important purpose of commanding the Milvian bridge and the course of the Tyber; but they approached with devotion the adjacent church of St. Peter; and the threshold of the holy apostles was respected during the siege by a Christian enemy. In the ages of victory, as often as the senate decreed some distant conquest, the consul denounced hostilities, by unbarring, in solemn pomp, the gates of the temple of Janus.<sup>44</sup> Domestic war now rendered the admonition superfluous, and the ceremony was superseded by the establishment of a new religion. But the brazen temple of Janus was left standing in the forum; of a size sufficient only to contain the statue of the god, five cubits in height, of a human form, but with two faces directed to the east and west. The double gates were likewise of brass; and a fruitless effort to turn them on their rusty hinges revealed the scandalous secret that some Romans were still attached to the superstition of their ancestors.

Eighteen days were employed by the besiegers, to provide all the instruments of attack which antiquity had invented. Fascines were prepared to fill the ditches, scaling-ladders to ascend the walls. The largest trees of the forest supplied the timbers of four battering-rams: their heads were armed with iron; they were suspended by ropes, and each of them was worked by the labor of fifty men. The lofty wooden turrets moved on wheels or rollers, and formed a spacious platform of the level of the rampart. On the morning of the nineteenth day, a general attack was made from the Frænentine gate to the Vatican: seven Gothic columns, with their military engines, advanced to the assault; and the Romans, who lined the ramparts, listened with doubt and anxiety to the cheerful assurances of their commander. As soon as the enemy approached the ditch, Belisarius himself drew the first arrow; and such was his strength and dexterity, that he transfigured the foremost of the Barbarian leaders.

A shout of applause and victory was reëchoed along the wall. He drew a second arrow, and the stroke was followed

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<sup>44</sup> Procopius has given the best description of the temple of Janus, a national deity of Latium, (Heyne, *Excurs. v. ad l. vii. Æneid.*) It was once a gate in the primitive city of Romulus and Numa, (Nardini, p. 13, 256, 329.) Virgil has described the ancient rite like a poet and an antiquarian.

with the same success and the same acclamation. The Roman general then gave the word, that the archers should aim at the teams of oxen; they were instantly covered with mortal wounds; the towers which they drew remained useless and immovable, and a single moment disconcerted the laborious projects of the king of the Goths. After this disappointment, Vitiges still continued, or feigned to continue, the assault of the Salarian gate, that he might divert the attention of his adversary, while his principal forces more strenuously attacked the Prænestine gate and the sepulchre of Hadrian, at the distance of three miles from each other. Near the former, the double walls of the Vivarium<sup>22</sup> were low or broken; the fortifications of the latter were feebly guarded: the vigor of the Goths was excited by the hope of victory and spoil; and if a single post had given way, the Romans, and Rome itself, were irrecoverably lost. This perilous day was the most glorious in the life of Belisarius. Amidst tumult and dismay, the whole plan of the attack and defence was distinctly present to his mind; he observed the changes of each instant, weighed every possible advantage, transported his person to the scenes of danger, and communicated his spirit in calm and decisive orders. The contest was fiercely maintained from the morning to the evening; the Goths were repulsed on all sides; and each Roman might boast that he had vanquished thirty Barbarians, if the strange disproportion of numbers were not counterbalanced by the merit of one man. Thirty thousand Goths, according to the confession of their own chiefs, perished in this bloody action; and the multitude of the wounded was equal to that of the slain. When they advanced to the assault, their close disorder suffered not a javelin to fall without effect; and as they retired, the populace of the city joined the pursuit, and slaughtered, with impunity, the backs of their flying enemies. Belisarius instantly sallied from the gates; and while the soldiers chanted his name and victory, the hostile engines of war were reduced to ashes. Such was the loss and consternation of the Goths, that, from this day, the siege of Rome degenerated into a tedious and indolent blockade; and they were incessantly harassed by the Roman general, who, in frequent skirmishes, destroyed

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<sup>22</sup> *Vivarium* was an angle in the new wall enclosed for wild beasts, (Procopius, Goth. l. i. c. 23.) The spot is still visible in Nardina (l. iv. c. 2, p. 159, 160,) and Nolli's great plan of Rome.

above five thousand of their bravest troops. Their cavalry was unpractised in the use of the bow; their archers served on foot; and this divided force was incapable of contending with their adversaries, whose lances and arrows, at a distance, or at hand, were alike formidable. The consummate skill of Belisarius embraced the favorable opportunities; and as he chose the ground and the moment, as he pressed the charge or sounded the retreat,\*\* the squadrons which he detached were seldom unsuccessful. These partial advantages diffused an impatient ardor among the soldiers and people, who began to feel the hardships of a siege, and to disregard the dangers of a general engagement. Each plebeian conceived himself to be a hero, and the infantry, who, since the decay of discipline, were rejected from the line of battle, aspired to the ancient honors of the Roman legion. Belisarius praised the spirit of his troops, condemned their presumption, yielded to their clamors, and prepared the remedies of a defeat, the possibility of which he alone had courage to suspect. In the quarter of the Vatican, the Romans prevailed; and if the irreparable moments had not been wasted in the pillage of the camp, they might have occupied the Milvian bridge, and charged in the rear of the Gothic host. On the other side of the Tyber, Belisarius advanced from the Pincian and Salarian gates. But his army, four thousand soldiers perhaps, was lost in a spacious plain; they were encompassed and oppressed by fresh multitudes, who continually relieved the broken ranks of the Barbarians. The valiant leaders of the infantry were unskilled to conquer; they died: the retreat (a hasty retreat) was covered by the prudence of the general, and the victors started back with affright from the formidable aspect of an armed rampart. The reputation of Belisarius was unsullied by a defeat; and the vain confidence of the Goths was not less serviceable to his designs than the repentance and modesty of the Roman troops.

From the moment that Belisarius had determined to sustain a siege, his assiduous care provided Rome against the danger of famine, more dreadful than the Gothic arms. An extra-

\*\* For the Roman trumpet, and its various notes, consult Lipsius de Militiâ Romanâ, (Opp. tom. iii. l. iv. Dialog. x. p. 125—129.) A mode of distinguishing the *charge* by the horse-trumpet of solid brass, and the *retreat* by the foot-trumpet of leather and light wood, was recommended by Procopius, and adopted by Belisarius, (Procop. l. ii. c. 23.)

ordinary supply of corn was imported from Sicily: the harvests of Campania and Tuscany were forcibly swept for the use of the city; and the rights of private property were infringed by the strong plea of the public safety. It might easily be foreseen that the enemy would intercept the aqueducts; and the cessation of the water-mills was the first inconvenience, which was speedily removed by mooring large vessels, and fixing mill-stones in the current of the river. The stream was soon embarrassed by the trunks of trees, and polluted with dead bodies; yet so effectual were the precautions of the Roman general, that the waters of the Tyber still continued to give motion to the mills and drink to the inhabitants: the more distant quarters were supplied from domestic wells; and a besieged city might support, without impatience, the privation of her public baths. A large portion of Rome, from the Prænestine gate to the church of St. Paul, was never invested by the Goths; their excursions were restrained by the activity of the Moorish troops: the navigation of the Tyber, and the Latin, Appian, and Ostian ways, were left free and unmolested for the introduction of corn and cattle, or the retreat of the inhabitants, who sought refuge in Campania or Sicily. Anxious to relieve himself from a useless and devouring multitude, Belisarius issued his peremptory orders for the instant departure of the women, the children, and slaves; required his soldiers to dismiss their male and female attendants, and regulated their allowance that one moiety should be given in provisions, and the other in money. His foresight was justified by the increase of the public distress, as soon as the Goths had occupied two important posts in the neighborhood of Rome. By the loss of the port, or, as it is now called, the city of Porto, he was deprived of the country on the right of the Tyber, and the best communication with the sea; and he reflected, with grief and anger, that three hundred men, could he have spared such a feeble band, might have defended its impregnable works. Seven miles from the capital, between the Appian and the Latin ways, two principal aqueducts crossing, and again crossing each other, enclosed within their solid and lofty arches a fortified space,"

<sup>97</sup> Procopius (Goth. l. ii. c. 8) has forgot to name these aqueducts: nor can such a double intersection, at such a distance from Rome, be clearly ascertained from the writings of Frontinus, Fabretti, and Eschinard, de Aquis and de Agro Romano, or from the local maps of Lameti and Cingolani. Seven or eight miles from the city, (50



where Vitiges established a camp of seven thousand Goths to intercept the convoy of Sicily and Campania. The granaries of Rome were insensibly exhausted, the adjacent country had been wasted with fire and sword; such scanty supplies as might yet be obtained by hasty excursions were the reward of valor, and the purchase of wealth: the forage of the horses, and the bread of the soldiers, never failed: but in the last months of the siege, the people were exposed to the miseries of scarcity, unwholesome food,<sup>22</sup> and contagious disorders. Belisarius saw and pitied their sufferings; but he had foreseen, and he watched the decay of their loyalty, and the progress of their discontent. Adversity had awakened the Romans from the dreams of grandeur and freedom, and taught them the humiliating lesson, that it was of small moment to their real happiness, whether the name of their master was derived from the Gothic or the Latin language. The lieutenant of Justinian listened to their just complaints, but he rejected with disdain the idea of flight or capitulation; repressed their clamorous impatience for battle; amused them with the prospect of a sure and speedy relief; and secured himself and the city from the effects of their despair or treachery. Twice in each month he changed the station of the officers to whom the custody of the gates was committed: the various precautions of patroles, watch words, lights, and music, were repeatedly employed to discover whatever passed on the ramparts; out-guards were posted beyond the ditch, and the trusty vigilance of dogs supplied the more doubtful fidelity of mankind. A letter was intercepted, which assured the king of the Goths that the Asinarian gate, adjoining to the Lateran church, should be secretly opened to his troops. On the proof or suspicion of treason, several senators were banished, and the pope Sylvester was summoned to attend the representative of his sovereign, at his head-quarters in the Pincian palace.<sup>23</sup> The ecclesiastics, who followed their bishop, were detained in the

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stadia,) on the road to Albano, between the Latin and Appian ways, I discern the remains of an aqueduct, (probably the Septimian,) a series (630 paces) of arches twenty-five feet high, (*ἐψηλὸν ἐς ἄγαν*).

<sup>22</sup> They made sausages (*ἀλλαντας*) of mule's flesh; unwholesome, if the animals had died of the plague. Otherwise, the famous Bologna sausages are said to be made of ass flesh, (*Voyages de Labat*, tom. II. p. 218.)

<sup>23</sup> The name of the palace, the hill, and the adjoining gate, were all

first or second apartment," and he alone was admitted to the presence of Belisarius. The conqueror of Rome and Carthage was modestly seated at the feet of Antonina, who reclined on a stately couch: the general was silent, but the voice of reproach and menace issued from the mouth of his imperious wife. Accused by credible witnesses, and the evidence of his own subscription, the successor of St. Peter was despoiled of his pontifical ornaments, clad in the mean habit of a monk, and embarked, without delay, for a distant exile in the East.\* At the emperor's command, the clergy of Rome proceeded to the choice of a new bishop; and after a solemn invocation of the Holy Ghost, elected the deacon Vigilius, who had purchased the papal throne by a bribe of two hundred pounds of gold. The profit, and consequently the guilt, of this simony, was imputed to Belisarius: but the hero obeyed the orders of his wife; Antonina served the passions of the empress; and Theodora lavished her treasures, in the vain hope of obtaining a pontiff hostile or indifferent to the council of Chalcedon.<sup>†</sup>

The epistle of Belisarius to the emperor announced his victory, his danger, and his resolution. "According to your commands, we have entered the dominions of the Goths, and reduced to your obedience Sicily, Campania, and the city of Rome; but the loss of these conquests will be more disgraceful than their acquisition was glorious. Hitherto we have successfully fought against the multitudes of the Barbarians, but their multitudes may finally prevail. Victory is the gift of

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derived from the senator Pincius. Some recent vestiges of temples and churches are now smoothed in the garden of the Minims of the Trinità del Monte, (Nardini, l. iv. c. 7, p. 196. Eschinard, p. 209, 210, the old plan of Buffalino, and the great plan of Nolli.) Belisarius had fixed his station between the *Pincian* and Salarian gates, (Procop. Goth. l. i. c. 15.)

\* From the mention of the *primum et secundum velum*, it should seem that Belisarius, even in a siege, represented the emperor, and maintained the proud ceremonial of the Byzantine palace.

† Of this act of sacrilege, Procopius (Goth. l. i. c. 25) is a dry and reluctant witness. The narratives of Liberatus (Breviarium, c. 22) and Anastasius (de Vit. Pont. p. 39) are characteristic, but passionate. Hear the execrations of Cardinal Baronius, (A. D. 536, No. 128, A. D. 538, No. 4—20:) *portentum, facinus omni execratione dignum.*

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L. Beau, as a good Catholic, makes the Pope the victim of a dark intrigue. Lord Mahon, (p. 225,) with whom I concur, sums up againe  
 the same.

Providence, but the reputation of kings and generals depends on the success or the failure of their designs. Permit me to speak with freedom: if you wish that we should live, send us subsistence; if you desire that we should conquer, send us arms, horses, and men. The Romans have received us as friends and deliverers: but in our present distress, *they* will be either betrayed by their confidence, or we shall be oppressed by *their* treachery and hatred. For myself, my life is consecrated to your service: it is yours to reflect, whether my death in this situation will contribute to the glory and prosperity of your reign." Perhaps that reign would have been equally prosperous if the peaceful master of the East had abstained from the conquest of Africa and Italy: but as Justinian was ambitious of fame, he made some efforts (they were feeble and languid) to support and rescue his victorious general. A reinforcement of sixteen hundred Sclavonians and Huns was led by Martin and Valerian; and as they reposed during the winter season in the harbors of Greece, the strength of the men and horses was not impaired by the fatigues of a sea-voyage; and they distinguished their valor in the first sally against the besiegers. About the time of the summer solstice, Euthalius landed at Terracina with large sums of money for the payment of the troops: he cautiously proceeded along the Appian way, and this convoy entered Rome through the gate Capena,<sup>22</sup> while Belisarius, on the other side, diverted the attention of the Goths by a vigorous and successful skirmish. These seasonable aids, the use and reputation of which were dexterously managed by the Roman general, revived the courage, or at least the hopes, of the soldiers and people. The historian Procopius was despatched with an important commission to collect the troops and provisions which Campania could furnish, or Constantinople had sent; and the secretary of Belisarius was soon followed by Antonina herself,<sup>23</sup> who boldly traversed the posts of the enemy, and returned with the Oriental succor to the relief of her husband and the besieged city. A fleet

<sup>22</sup> The old Capena was removed by Aurelian to, or near, the modern gate of St. Sebastian, (see Nolli's plan.) That memorable spot has been consecrated by the Egerian grove, the memory of Numa, the triumphal arches, the sepulchres of the Scipios, Metelli, &c.

<sup>23</sup> The expression of Procopius has an invidious cast—*τοῦτο ἔκ τινος ἀνδρὸς τὴν σφίσι συμβουρίην παρεδούκην*, (Goth. l. ii. c. 4.) Yet he is speaking of a woman.

of three thousand Isaurians cast anchor in the Bay of Naples, and afterwards at Ostia. Above two thousand horse, of whom a part were Thracians, landed at Tarentum; and, after the junction of five hundred soldiers of Campania, and a train of wagons laden with wine and flour, they directed their march on the Appian way, from Capua to the neighborhood of Rome. The forces that arrived by land and sea were united at the mouth of the Tyber. Antonina convened a council of war: it was resolved to surmount, with sails and oars, the adverse stream of the river; and the Goths were apprehensive of disturbing, by any rash hostilities, the negotiation to which Belisarius had craftily listened. They credulously believed that they saw no more than the vanguard of a fleet and army, which already covered the Ionian Sea and the plains of Campania; and the illusion was supported by the haughty language of the Roman general, when he gave audience to the ambassadors of Vitiges. After a specious discourse to vindicate the justice of his cause, they declared, that, for the sake of peace, they were disposed to renounce the possession of Sicily. "The emperor is not less generous," replied his lieutenant, with a disdainful smile, "in return for a gift which you no longer possess: he presents you with an ancient province of the empire: he resigns to the Goths the sovereignty of the British island." Belisarius rejected with equal firmness and contempt the offer of a tribute; but he allowed the Gothic ambassadors to seek their fate from the mouth of Justinian himself; and consented, with seeming reluctance, to a truce of three months, from the winter solstice to the equinox of spring. Prudence might not safely trust either the oaths or hostages of the Barbarians, and the conscious superiority of the Roman chief was expressed in the distribution of his troops. As soon as fear or hunger compelled the Goths to evacuate Alba, Porto, and Centumcellæ, their place was instantly supplied; the garrisons of Narni, Spoleto, and Perugia, were reinforced, and the seven camps of the besiegers were gradually encompassed with the calamities of a siege. The prayers and pilgrimage of Datius, bishop of Milan, were not without effect; and he obtained one thousand Thracians and Isaurians, to assist the revolt of Liguria against her Arian tyrant. At the same time, John the Sanguinary,\* the nephew of Vitalian, was detached with two

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\* Anastasius (p. 40) has preserved this epithet of *Sanguinarius* which might do honor to a tiger.

thousand chosen horse, first to Alba, on the Fucine Lake, and afterwards to the frontiers of Picenum, on the Hadriatic Sea. "In that province," said Belisarius, "the Goths have deposited their families and treasures, without a guard or the suspicion of danger. Doubtless they will violate the truce: let them feel your presence, before they hear of your motions. Spare the Italians; suffer not any fortified places to remain hostile in your rear; and faithfully reserve the spoil for an equal and common partition. It would not be reasonable," he added with a laugh, "that whilst we are toiling to the destruction of the drones, our more fortunate brethren should ride and enjoy the honey."

The whole nation of the Ostrogoths had been assembled for the attack, and was almost entirely consumed in the siege of Rome. If any credit be due to an intelligent spectator, one third at least of their enormous host was destroyed, in frequent and bloody combats under the walls of the city. The bad fame and pernicious qualities of the summer air might already be imputed to the decay of agriculture and population; and the evils of famine and pestilence were aggravated by their own licentiousness, and the unfriendly disposition of the country. While Vitiges struggled with his fortune, while he hesitated between shame and ruin, his retreat was hastened by domestic alarms. The king of the Goths was informed by trembling messengers, that John the Sanguinary spread the devastations of war from the Apennine to the Hadriatic; that the rich spoils and innumerable captives of Picenum were lodged in the fortifications of Rimini; and that this formidable chief had defeated his uncle, insulted his capital, and seduced, by secret correspondence, the fidelity of his wife, the imperious daughter of Amalasontha. Yet, before he retired, Vitiges made a last effort, either to storm or to surprise the city. A secret passage was discovered in one of the aqueducts; two citizens of the Vatican were tempted by bribes to intoxicate the guards of the Aurelian gate; an attack was meditated on the walls beyond the Tyber, in a place which was not fortified with towers; and the Barbarians advanced, with torches and scaling-ladders, to the assault of the Pincian gate. But every attempt was defeated by the intrepid vigilance of Belisarius and his band of veterans, who, in the most perilous moments, did not regret the absence of their companions; and the Goths, alike destitute of hope and subsistence, clamorously urged their departure before the truce should expire, and the Roman

cavalry should again be united. One year and nine days after the commencement of the siege, an army, so lately strong and triumphant, burnt their tents, and tumultuously repassed the Milvian bridge. They repassed not with impunity: their thronging multitudes, oppressed in a narrow passage, were driven headlong into the Tyber, by their own fears and the pursuit of the enemy; and the Roman general, sallying from the Pincian gate, inflicted a severe and disgraceful wound on their retreat. The slow length of a sickly and desponding host was heavily dragged along the Flaminian way; from whence the Barbarians were sometimes compelled to deviate, lest they should encounter the hostile garrisons that guarded the high road to Rimini and Ravenna. Yet so powerful was this flying army, that Vitiges spared ten thousand men for the defence of the cities which he was most solicitous to preserve, and detached his nephew Uraias, with an adequate force, for the chastisement of rebellious Milan. At the head of his principal army, he besieged Rimini, only thirty-three miles distant from the Gothic capital. A feeble rampart, and a shallow ditch, were maintained by the skill and valor of John the Sanguinary, who shared the danger and fatigue of the meanest soldier, and emulated, on a theatre less illustrious, the military virtues of his great commander. The towers and battering-engines of the Barbarians were rendered useless; their attacks were repulsed; and the tedious blockade, which reduced the garrison to the last extremity of hunger, afforded time for the union and march of the Roman forces. A fleet, which had surprised Ancona, sailed along the coast of the Adriatic, to the relief of the besieged city. The eunuch Narses landed in Picenum with two thousand Heruli and five thousand of the bravest troops of the East. The rock of the Apennine was forced; ten thousand veterans moved round the foot of the mountains, under the command of Belisarius himself; and a new army, whose encampment blazed with innumerable lights, *appeared to advance* along the Flaminian way. Overwhelmed with astonishment and despair, the Goths abandoned the siege of Rimini, their tents, their standards, and their leaders; and Vitiges, who gave or followed the example of flight, never halted till he found a shelter within the walls and morasses of Ravenna.

To these walls, and to some fortresses destitute of any mutual support, the Gothic monarchy was now reduced. The provinces of Italy had embraced the party of the emperor.

and his army, gradually recruited to the number of twenty thousand men, must have achieved an easy and rapid conquest, if their invincible powers had not been weakened by the discord of the Roman chiefs. Before the end of the siege, an act of blood, ambiguous and indiscreet, sullied the fair fame of Belisarius. Presidius, a loyal Italian, as he fled from Ravenna to Rome, was rudely stopped by Constantine, the military governor of Spoleto, and despoiled, even in a church, of two daggers richly inlaid with gold and precious stones. As soon as the public danger had subsided, Presidius complained of the loss and injury: his complaint was heard, but the order of restitution was disobeyed by the pride and avarice of the offender. Exasperated by the delay, Presidius boldly arrested the general's horse as he passed through the forum; and, with the spirit of a citizen, demanded the common benefit of the Roman laws. The honor of Belisarius was engaged; he summoned a council; claimed the obedience of his subordinate officer; and was provoked, by an insolent reply, to call hastily for the presence of his guards. Constantine, viewing their entrance as the signal of death, drew his sword, and rushed on the general, who nimbly eluded the stroke, and was protected by his friends; while the desperate assassin was disarmed, dragged into a neighboring chamber, and executed, or rather murdered, by the guards, at the arbitrary command of Belisarius." In this hasty act of violence, the guilt of Constantine was no longer remembered; the despair and death of that valiant officer were secretly imputed to the revenge of Antonina; and each of his colleagues, conscious of the same rapine, was apprehensive of the same fate. The fear of a common enemy suspended the effects of their envy and discontent; but in the confidence of approaching victory, they instigated a powerful rival to oppose the conqueror of Rome and Africa. From the domestic service of the palace, and the administration of the private revenue, Narses the eunuch was suddenly exalted to the head of an army; and the spirit of a hero, who afterwards equalled the

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" This transaction is related in the public history (Goth. l. ii. c. 8) with candor or caution; in the Anecdotes (c. 7) with malevolence or freedom; but Marcellinus, or rather his continuator, (in Chron.) casts a shade of premeditated assassination over the death of Constantine. He had performed good service at Rome and Spoleto, (Procop. Goth. l. i. c. 7, 14;) but Alemannus confounds him with a Constantianus comes stabuli.

merit and glory of Belisarius, served only to perplex the operations of the Gothic war. To his prudent counsels, the relief of Rimini was ascribed by the leaders of the discontented faction, who exhorted Narses to assume an independent and separate command. The epistle of Justinian had indeed enjoined his obedience to the general; but the dangerous exception, "as far as may be advantageous to the public service," reserved some freedom of judgment to the discreet favorite, who had so lately departed from the *sacred* and familiar conversation of his sovereign. In the exercise of this doubtful right, the eunuch perpetually dissented from the opinions of Belisarius; and, after yielding with reluctance to the siege of Urbino, he deserted his colleague in the night, and marched away to the conquest of the *Æmilian* province. The fierce and formidable bands of the Heruli were attached to the person of Narses; ten thousand Romans and confederates were persuaded to march under his banners; every malecontent embraced the fair opportunity of revenging his private or imaginary wrongs; and the remaining troops of Belisarius were divided and dispersed from the garrisons of Sicily to the shores of the *Hadriatic*. His skill and perseverance overcame every obstacle: Urbino was taken, the sieges of *Fasulæ*, *Orvieto*, and *Auximum*, were undertaken and vigorously prosecuted; and the eunuch Narses was at length recalled to the domestic cares of the palace. All dissensions were healed, and all opposition was subdued, by the temperate authority of the Roman general, to whom his enemies could not refuse their esteem; and Belisarius inculcated the salutary lesson, that the forces of the state should compose one body, and be animated by one soul. But in the interval of discord, the Goths were permitted to breathe; an important season was lost, Milan was destroyed, and the northern provinces of Italy were afflicted by an inundation of the Franks.

When Justinian first meditated the conquest of Italy, he sent ambassadors to the kings of the Franks, and adjured them, by the common ties of alliance and religion, to join in the holy enterprise against the Arians. The Goths, as their wants

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<sup>\*\*</sup> They refused to serve after his departure; sold their captives and cattle to the Goths; and swore never to fight against them. Procopius introduces a curious digression on the manners and adventures of this wandering nation, a part of whom finally emigrated to Thule or Scandinavia. (Goth. l. ii. c. 14, 15.)



were more urgent, employed a more effectual mode of persuasion, and vainly strove, by the gift of lands and money, to purchase the friendship, or at least the neutrality, of a light and perfidious nation.<sup>97</sup> But the arms of Belisarius, and the revolt of the Italians, had no sooner shaken the Gothic monarchy, than Theodebert of Austrasia, the most powerful and warlike of the Merovingian kings, was persuaded to succor their distress by an indirect and seasonable aid. Without expecting the consent of their sovereign, ten thousand Burgundians, his recent subjects, descended from the Alps, and joined the troops which Vitiges had sent to chastise the revolt of Milan. After an obstinate siege, the capital of Liguria was reduced by famine; but no capitulation could be obtained, except for the safe retreat of the Roman garrison. Datius, the orthodox bishop, who had seduced his countrymen to rebellion<sup>98</sup> and ruin, escaped to the luxury and honors of the Byzantine court;<sup>99</sup> but the clergy, perhaps the Arian clergy, were slaughtered at the foot of their own altars by the defenders of the Catholic faith. Three hundred thousand males were *reported* to be slain;<sup>100</sup> the female sex, and the more precious spoil, was resigned to the Burgundians; and the houses, or at least the walls, of Milan, were levelled with the ground. The Goths, in their last moments, were revenged by the destruction of a city, second only to Rome in size and opulence, in the splendor of its buildings, or the number of its

<sup>97</sup> This national reproach of perfidy (Procop. Goth. l. ii. c. 25) offends the ear of La Mothe le Vayer, (tom. viii. p. 163—165,) who criticizes, as if he had not read, the Greek historian.

<sup>98</sup> Baronius applauds his treason, and justifies the Catholic bishops—*qui ne sub heretico principe degant omnem lapidem movent*—a useful caution. The more rational Muratori (*Annali d'Italia*, tom. v. p. 54) hints at the guilt of perjury, and blames at least the *imprudence* of Datius.

<sup>99</sup> St. Datius was more successful against devils than against Barbarians. He travelled with a numerous retinue, and occupied at Corinth a large house. (Baronius, A. D. 538, No. 89, A. D. 539, No. 20.)

<sup>100</sup> *Μυριάδες πριόνουρα*, (compare Procopius, Goth. l. ii. c. 7, 21.) Yet such population is incredible; and the second or third city of Italy\* need not repine if we only decimate the numbers of the present text. Both Milan and Genoa revived in less than thirty years, (Paul Diacon. de Gestis Langobard. l. ii. c. 38.)

\* Procopius says distinctly that Milan was the second city of the West. Which did Gibbon suppose could compete with it, Ravenna or Naples? In the next page he calls it the second.—M.

inhabitants; and Belisarius sympathized alone in the fate of his deserted and devoted friends. Encouraged by this successful inroad, Theodebert himself, in the ensuing spring, invaded the plains of Italy with an army of one hundred thousand Barbarians.<sup>101</sup> The king, and some chosen followers, were mounted on horseback, and armed with lances; the infantry, without bows or spears, were satisfied with a shield, a sword, and a double-edged battle-axe, which, in their hands, became a deadly and unerring weapon. Italy trembled at the march of the Franks; and both the Gothic prince and the Roman general, alike ignorant of their designs, solicited, with hope and terror, the friendship of these dangerous allies. Till he had secured the passage of the Po on the bridge of Pavia, the grandson of Clovis dissembled his intentions, which he at length declared, by assaulting, almost at the same instant, the hostile camps of the Romans and Goths. Instead of uniting their arms, they fled with equal precipitation; and the fertile, though desolate provinces of Liguria and Æmilia, were abandoned to a licentious host of Barbarians, whose rage was not mitigated by any thoughts of settlement or conquest. Among the cities which they ruined, Genoa, not yet constructed of marble, is particularly enumerated; and the deaths of thousands, according to the regular practice of war, appear to have excited less horror than some idolatrous sacrifices of women and children, which were performed with impunity in the camp of the most Christian king. If it were not a melancholy truth, that the first and most cruel sufferings must be the lot of the innocent and helpless, history might exult in the misery of the conquerors, who, in the midst of riches, were left destitute of bread or wine, reduced to drink the waters of the Po, and to feed on the flesh of distempered cattle. The dysentery swept away one third of their army; and the clamors of his subjects, who were impatient to pass the Alps, disposed Theodebert to listen with respect to the mild exhortations of Belisarius. The memory of this inglorious and destructive warfare was perpetuated on the medals of Gaul; and Justinian, without unsheathing his sword, assumed the

<sup>101</sup> Besides Procopius, perhaps too Roman, see the Chronicles of Marinus and Marcellinus, Jornandes, (in Success. Regn. in Muratori, tom. i. p. 241.) and Gregory of Tours, (l. iii. c. 32, in tom. ii. of the Historians of France.) Gregory supposes a defeat of Belisarius, who, in Aimoin, (de Gestis Franc. l. ii. c. 23, in tom. iii. p. 59,) is slain by the Franks.

title of conqueror of the Franks. The Merovingian prince was offended by the vanity of the emperor; he affected to pity the fallen fortunes of the Goths; and his insidious offer of a federal union was fortified by the promise or menace of descending from the Alps at the head of five hundred thousand men. His plans of conquest were boundless, and perhaps chimerical. The king of Austrasia threatened to chastise Justinian, and to march to the gates of Constantinople:<sup>102</sup> he was overthrown and slain<sup>103</sup> by a wild bull,<sup>104</sup> as he hunted in the Belgic or German forests.

As soon as Belisarius was delivered from his foreign and domestic enemies, he seriously applied his forces to the final reduction of Italy. In the siege of Osimo, the general was nearly transfixed with an arrow, if the mortal stroke had not been intercepted by one of his guards, who lost, in that pious office, the use of his hand. The Goths of Osimo,\* four thousand warriors, with those of Fæsulæ and the Cottian Alps, were among the last who maintained their independence; and their gallant resistance, which almost tired the patience, deserved the esteem, of the conqueror. His prudence refused to subscribe the safe conduct which they asked, to join their brethren of Ravenna; but they saved, by an honorable capitulation, one moiety at least of their wealth, with the free alternative of retiring peaceably to their estates, or enlisting to serve the emperor in his Persian wars. The multitudes which yet adhered to the standard of Vitiges far surpassed the number of the Roman troops; but neither prayers nor defiance, nor the extreme danger of his most faithful subjects, could tempt the Gothic king beyond the fortifications of Ravenna.

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<sup>102</sup> Agathias, l. i. p. 14, 15. Could he have seduced or subdued the Gepidæ or Lombards of Pannonia, the Greek historian is confident that he must have been destroyed in Thrace.

<sup>103</sup> The king pointed his spear—the bull overturned a tree on his head—he expired the same day. Such is the story of Agathias; but the original historians of France (tom. ii. p. 202, 403, 568, 667) impute his death to a fever.

<sup>104</sup> Without losing myself in a labyrinth of species and names—the aurochs, urus, bison, bubalus, bonasus, buffalo, &c., (Buffon. Hist. Nat. tom. xi., and Supplement, tom. iii. vi.,) it is certain, that in the sixth century a large wild species of horned cattle was hunted in the great forests of the Vosges in Lorraine, and the Ardennes, (Greg. Turon. tom. i. l. x. c. 10, p. 369.)

\* Auximum, p. 175.—M.

These fortifications were, indeed, impregnable to the assaults of art or violence; and when Belisarius invested the capital, he was soon convinced that famine only could tame the stubborn spirit of the Barbarians. The sea, the land, and the channels of the Po, were guarded by the vigilance of the Roman general; and his morality extended the rights of war to the practice of poisoning the waters,<sup>106</sup> and secretly firing the granaries<sup>106</sup> of a besieged city.<sup>107</sup> While he pressed the blockade of Ravenna, he was surprised by the arrival of two ambassadors from Constantinople, with a treaty of peace, which Justinian had imprudently signed, without deigning to consult the author of his victory. By this disgraceful and precarious agreement, Italy and the Gothic treasure were divided, and the provinces beyond the Po were left with the regal title to the successor of Theodoric. The ambassadors were eager to accomplish their salutary commission; the captive Vitiges accepted, with transport, the unexpected offer of a crown; honor was less prevalent among the Goths, than the want and appetite of food; and the Roman chiefs, who murmured at the continuance of the war, professed implicit submission to the commands of the emperor. If Belisarius had possessed only the courage of a soldier, the laurel would have been snatched from his hand by timid and envious counsels; but in this decisive moment, he resolved, with the magnanimity of a statesman, to sustain alone the danger and merit of generous disobedience. Each of his officers gave a

<sup>106</sup> In the siege of Auximum, he first labored to demolish an old aqueduct, and then cast into the stream, 1. dead bodies; 2. mischievous herbs; and 3. quicklime, which is named (says Procopius, l. ii. c. 27) *ρίτρας* by the ancients; by the moderns *ασβεστος*. Yet both words are used as synonymous in Galen, Dioscorides, and Lucian, (Hen. Steph. Thesaur. Ling. Græc. tom. iii. p. 748.)

<sup>106</sup> The Goths suspected Mathasulntha as an accomplice in the mischief, which perhaps was occasioned by accidental lightning.

<sup>107</sup> In strict philosophy, a limitation of the rights of war seems to imply nonsense and contradiction. Grotius himself is lost in an idle distinction between the *jus naturæ* and the *jus gentium*, between poison and infection. He balances in one scale the passages of *Hæmer* (*Odysæ. A.* 259, &c.) and *Florus*, (l. ii. c. 20, No. 7, ult.) and in the other, the examples of *Solon* (*Pausanias*, l. x. c. 37) and *Belisarius*. See his great work *De Jure Belli et Pacis*, (l. iii. c. 4, s. 15, 16, 17, and in *Barbeyrac's* version, tom. ii. p. 257, &c.) Yet I can understand the benefit and validity of an agreement, tacit or express, mutually to abstain from certain modes of hostility. See the *Amphictyonic oath* in *Æchines*, *de falsâ Legatione*.

written opinion that the siege of Ravenna was impracticable and hopeless: the general then rejected the treaty of partition, and declared his own resolution of leading Vitiges in chains to the feet of Justinian. The Goths retired with doubt and dismay: this peremptory refusal deprived them of the only signature which they could trust, and filled their minds with a just apprehension, that a sagacious enemy had discovered the full extent of their deplorable state. They compared the fame and fortune of Belisarius with the weakness of their ill-fated king; and the comparison suggested an extraordinary project, to which Vitiges, with apparent resignation, was compelled to acquiesce. Partition would ruin the strength, exile would disgrace the honor, of the nation; but they offered their arms, their treasures, and the fortifications of Ravenna, if Belisarius would disclaim the authority of a master, accept the choice of the Goths, and assume, as he had deserved, the kingdom of Italy. If the false lustre of a diadem could have tempted the loyalty of a faithful subject, his prudence must have foreseen the inconstancy of the Barbarians, and his rational ambition would prefer the safe and honorable station of a Roman general. Even the patience and seeming satisfaction with which he entertained a proposal of treason, might be susceptible of a malignant interpretation. But the lieutenant of Justinian was conscious of his own rectitude; he entered into a dark and crooked path, as it might lead to the voluntary submission of the Goths; and his dexterous policy persuaded them that he was disposed to comply with their wishes, without engaging an oath or a promise for the performance of a treaty which he secretly abhorred. The day of the surrender of Ravenna was stipulated by the Gothic ambassadors: a fleet, laden with provisions, sailed as a welcome guest into the deepest recess of the harbor: the gates were opened to the fancied king of Italy; and Belisarius, without meeting an enemy, triumphantly marched through the streets of an impregnable city.<sup>108</sup> The Romans were astonished by their success; the multitudes of tall and robust Bar-

<sup>108</sup> Ravenna was taken, not in the year 540, but in the latter end of 539; and Pagi (tom. ii. p. 569) is rectified by Muratori. (*Annali d'Italia*, tom. v. p. 62,) who proves from an original act on papyrus, (*Antiquit. Italicae Medii Ævi*, tom. ii. dissert. xxxii. p. 999.—1007,) Maffei, (*Istoria Diplomat.* p. 155—160,) that before the third of January, 540, peace and free correspondence were restored between Ravenna and Faenza.

barians were confounded by the image of their own patience and the masculine females, spitting in the faces of their sons and husbands, most bitterly reproached them for betraying their dominion and freedom to these pygmies of the south, contemptible in their numbers, diminutive in their stature. Before the Goths could recover from the first surprise, and claim the accomplishment of their doubtful hopes, the victor established his power in Ravenna, beyond the danger of repentance and revolt.

Vitiges, who perhaps had attempted to escape, was honorably guarded in his palace;<sup>100</sup> the flower of the Gothic youth was selected for the service of the emperor; the remainder of the people was dismissed to their peaceful habitations in the southern provinces; and a colony of Italians was invited to replenish the depopulated city. The submission of the capital was imitated in the towns and villages of Italy, which had not been subdued, or even visited, by the Romans; and the independent Goths, who remained in arms at Pavia and Verona, were ambitious only to become the subjects of Belisarius. But his inflexible loyalty rejected, except as the substitute of Justinian, their oaths of allegiance; and he was not offended by the reproach of their deputies, that he rather chose to be a slave than a king.

After the second victory of Belisarius, envy again whispered, Justinian listened, and the hero was recalled. "The remnant of the Gothic war was no longer worthy of his presence: a gracious sovereign was impatient to reward his services, and to consult his wisdom; and he alone was capable of defending the East against the innumerable armies of Persia." Belisarius understood the suspicion, accepted the excuse, embarked at Ravenna his spoils and trophies; and proved, by his ready obedience, that such an abrupt removal from the government of Italy was not less unjust than it might have been indiscreet. The emperor received with honorable courtesy both Vitiges and his more noble consort; and as the king of the Goths conformed to the Athanasian

<sup>100</sup> He was seized by John the Sanguinary, but an oath or sacrament was pledged for his safety in the Basilica Julii, (Hist. Miscell. l. xvii in Muratori, tom. i. p. 107.) Anastasius (in Vit. Pont. p. 40) gives a dark but probable account. Montfaucon is quoted by Mascon (Hist. of the Germans, xii. 21) for a votive shield representing the captivity of Vitiges and now in the collection of Signor Iandi at Rome.

third attempt was more successful. At the end of three years, the prophet Zachariah, or some mortal friend, indicated the means of an escape: he eluded the spies and guards of the empress, reached the holy sepulchre of Jerusalem, embraced the profession of a monk; and the abbot Photius was employed, after the death of Justinian, to reconcile and regulate the churches of Egypt. The son of Antonina suffered all that an enemy can inflict: her patient husband imposed on himself the more exquisite misery of violating his promise and deserting his friend.

In the succeeding campaign, Belisarius was again sent against the Persians: he saved the East, but he offended Theodora, and perhaps the emperor himself. The malady of Justinian had countenanced the rumor of his death; and the Roman general, on the supposition of that probable event, spoke the free language of a citizen and a soldier. His colleague Buzes, who concurred in the same sentiments, lost his rank, his liberty, and his health, by the persecution of the empress: but the disgrace of Belisarius was alleviated by the dignity of his own character, and the influence of his wife, who might wish to humble, but could not desire to ruin, the partner of her fortunes. Even his removal was colored by the assurance, that the sinking state of Italy would be retrieved by the single presence of its conqueror. But no sooner had he returned, alone and defenceless, than a hostile commission was sent to the East, to seize his treasures and criminate his actions; the guards and veterans, who followed his private banner, were distributed among the chiefs of the army, and even the eunuchs presumed to cast lots for the partition of his martial domestics. When he passed with a small and sordid retinue through the streets of Constantinople, his forlorn appearance excited the amazement and compassion of the people. Justinian and Theodora received him with cold ingratitude; the servile crowd, with insolence and contempt; and in the evening he retired with trembling steps to his deserted palace. An indisposition, feigned or real, had confined Antonina to her apartment; and she walked disdainfully silent in the adjacent portico, while Belisarius threw himself on his bed, and expected, in an agony of grief and terror, the death which he had so often braved under the walls of Rome. Long after sunset a messenger was announced from the empress: he opened, with anxious curiosity, the letter which contained the sentence of his fate. "You cannot be

ignorant how much you have deserved my displeasure. I am not insensible of the services of Antonina. To her merits and intercession I have granted your life, and permit you to retain a part of your treasures, which might be justly forfeited to the state. Let your gratitude, where it is due, be displayed, not in words, but in your future behavior." I know not how to believe or to relate the transports with which the hero is said to have received this ignominious pardon. He fell prostrate before his wife, he kissed the feet of his savior, and he devoutly promised to live the grateful and submissive slave of Antonina. A fine of one hundred and twenty thousand pounds sterling was levied on the fortunes of Belisarius; and with the office of count, or master of the royal stables, he accepted the conduct of the Italian war. At his departure from Constantinople, his friends, and even the public, were persuaded that as soon as he regained his freedom, he would renounce his dissimulation, and that his wife, Theodora, and perhaps the emperor himself, would be sacrificed to the just revenge of a virtuous rebel. Their hopes were deceived; and the unconquerable patience and loyalty of Belisarius appear either *below* or *above* the character of a MAN.<sup>117</sup>

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<sup>117</sup> The continuator of the Chronicle of Marcellinus gives, in a few decent words, the substance of the Anecdotes: Belisarius de Oriente evocatus, in offensam periculumque incurrens grave, et invidiam subiacens rursus remittitur in Italiam, (p. 54.)



## CHAPTER XLII.

STATE OF THE BARBARIC WORLD.—ESTABLISHMENT OF THE LOMBARDS ON THE DANUBE.—TRIBES AND INROADS OF THE SCLAVONIANS.—ORIGIN, EMPIRE, AND EMBASSIES OF THE TURKS.—THE FLIGHT OF THE AVARS.—CHOSROES I. OR NUSHIRVAN, KING OF PERSIA.—HIS PROSPEROUS REIGN AND WARS WITH THE ROMANS.—THE COLCHIAN OR LAZIO WAR.—THE ÆTHIOPIANS.

OUR estimate of personal merit, is relative to the common faculties of mankind. The aspiring efforts of genius, or virtue, either in active or speculative life, are measured, not so much by their real elevation, as by the height to which they ascend above the level of their age and country; and the same stature, which in a people of giants would pass unnoticed, must appear conspicuous in a race of pygmies. Leonidas, and his three hundred companions, devoted their lives at Thermopylæ; but the education of the infant, the boy, and the man, had prepared, and almost insured, this memorable sacrifice; and each Spartan would approve, rather than admire, an act of duty, of which himself and eight thousand of his fellow-citizens were equally capable.<sup>1</sup> The great Pompey might inscribe on his trophies, that he had defeated in battle two millions of enemies, and reduced fifteen hundred cities from the Lake Mæotis to the Red Sea:<sup>2</sup> but the fortune of Rome flew before his eagles; the nations were oppressed by their own fears, and the invincible legions which he commanded, had been formed by the habits of conquest and the discipline of ages. In this view, the character of Belisarius

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<sup>1</sup> It will be a pleasure, not a task, to read Herodotus, (l. vii. c. 104, 184, p. 550, 615.) The conversation of Xerxes and Demaratus at Thermopylæ is one of the most interesting and moral scenes in history. It was the torture of the royal Spartan to behold, with anguish and remorse, the virtue of his country.

<sup>2</sup> See this proud inscription in Pliny, (Hist. Natur. vii. 27.) Few men have more exquisitely tasted of glory and disgrace; nor could Juvenal (Satir. x.) produce a more striking example of the vicissitudes of fortune, and the vanity of human wishes.

may be deservedly placed above the heroes of the ancient republics. His imperfections flowed from the contagion of the times; his virtues were his own, the free gift of nature or reflection; he raised himself without a master or a rival; and so inadequate were the arms committed to his hand, that his sole advantage was derived from the pride and presumption of his adversaries. Under his command, the subjects of Justinian often deserved to be called Romans: but the unwarlike appellation of Greeks was imposed as a term of reproach by the haughty Goths; who affected to blush, that they must dispute the kingdom of Italy with a nation of tragedians, pantomimes, and pirates.\* The climate of Asia has indeed been found less congenial than that of Europe to military spirit: those populous countries were enervated by luxury, despotism, and superstition; and the monks were more expensive and more numerous than the soldiers of the East. The regular force of the empire had once amounted to six hundred and forty-five thousand men: it was reduced, in the time of Justinian, to one hundred and fifty thousand; and this number, large as it may seem, was thinly scattered over the sea and land; in Spain and Italy, in Africa and Egypt, on the banks of the Danube, the coast of the Euxine, and the frontiers of Persia. The citizen was exhausted, yet the soldier was unpaid; his poverty was mischievously soothed by the privilege of rapine and indolence; and the tardy payments were detained and intercepted by the fraud of those agents who usurp, without courage or danger, the emoluments of war. Public and private distress recruited the armies of the state; but in the field, and still more in the presence of the enemy, their numbers were always defective. The want of national spirit was supplied by the precarious faith and disorderly service of Barbarian mercenaries. Even military honor, which has often survived the loss of virtue and freedom, was almost totally extinct. The generals, who were multiplied beyond the example of former times, labored only to prevent the success, or to sully the reputation of their colleagues; and they had been taught by experience,

\* Γραικοὶς . . . ἐξ ὧν τὰ πρότερα οὐδὲνα ἐς Ἰταλίαν ἤκουσα εἶδον, ὅτι μὴ στρατιωτῶν, καὶ πάντας λωποδύτας. This last epithet of Procopius is too nobly translated by pirates; naval thieves is the proper word; strippers of garments, either for injury or insult, (Demosthenes contra Cononem, a Reiske, Orator. Græc. tom. ii. p. 1284.)

that if merit sometimes provoked the jealousy, error, or even guilt, would obtain<sup>a</sup> the indulgence, of a gracious emperor.<sup>4</sup> In such an age, the triumphs of Belisarius, and afterwards of Narses, shine with incomparable lustre; but they are encompassed with the darkest shades of disgrace and calamity. While the lieutenant of Justinian subdued the kingdoms of the Goths and Vandals, the emperor,<sup>5</sup> timid, though ambitious, balanced the forces of the Barbarians, fomented their divisions by flattery and falsehood, and invited by his patience and liberality the repetition of injuries.<sup>6</sup> The keys of Carthage, Rome, and Ravenna, were presented to their conqueror, while Antioch was destroyed by the Persians, and Justinian trembled for the safety of Constantinople.

Even the Gothic victories of Belisarius were prejudicial to the state, since they abolished the important barrier of the Upper Danube, which had been so faithfully guarded by Theodoric and his daughter. For the defence of Italy, the Goths evacuated Pannonia and Noricum, which they left in a peaceful and flourishing condition: the sovereignty was claimed by the emperor of the Romans; the actual possession was abandoned to the boldness of the first invader. On the opposite banks of the Danube, the plains of Upper Hungary and the Transylvanian hills were possessed, since the death of Attila, by the tribes of the Gepidæ, who respected the Gothic arms, and despised, not indeed the gold of the Romans, but the secret motive of their annual subsidies. The vacant fortifications of the river were instantly occupied by these Barbarians; their standards were planted on the walls of Sirmium and Belgrade; and the ironical tone of their apology aggravated this insult on the majesty of the empire. "So extensive, O Cæsar, are your dominions, so numerous are your cities, that you are continually seeking for nations to whom, either in peace or in war, you may relinquish these useless possessions. The Gepidæ are your brave and faithful allies; and if they

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<sup>a</sup> See the third and fourth books of the Gothic War: the writer of the Anecdotes cannot aggravate these abuses.

<sup>4</sup> Agathias, l. v. p. 157, 158. He confines this weakness of the emperor and the empire to the old age of Justinian; but alas! he was never young.

<sup>5</sup> This mischievous policy, which Procopius (Anecd. c. 19) imputes to the emperor, is revealed in his epistle to a Scythian prince, who was capable of understanding it. \* Ἀγαν προμηθεὶ καὶ δυχινεστῆρι, says Agathias, (l. v. p. 170, 171.)

have anticipated your gifts, they have shown a just confidence in your bounty." Their presumption was excused by the mode of revenge which Justinian embraced. Instead of asserting the rights of a sovereign for the protection of his subjects, the emperor invited a strange people to invade and possess the Roman provinces between the Danube and the Alps; and the ambition of the Gepidæ was checked by the rising power and fame of the LOMBARDS.\* This corrupt appellation has been diffused in the thirteenth century by the merchants and bankers, the Italian posterity of these savage warriors: but the original name of *Langobards* is expressive only of the peculiar length and fashion of their beards. I am not disposed either to question or to justify their Scandinavian origin;† nor to pursue the migrations of the Lombards through unknown regions and marvellous adventures. About the time of Augustus and Trajan, a ray of historic light breaks on the darkness of their antiquities, and they are discovered, for the first time, between the Elbe and the Oder. Fierce, beyond the example of the Germans, they delighted to propagate the tremendous belief, that their heads were formed like the heads of dogs, and that they drank the blood of their enemies, whom they vanquished in battle. The smallness of their numbers was recruited by the adoption of their bravest slaves; and alone, amidst their powerful neighbors, they defended by arms their high-spirited independence. In the tempests of the north, which overwhelmed so many names and nations, this little bark of the Lombards still floated on the surface: they gradually descended towards the south and

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\* Gens Germanâ feritate ferocior, says Velleius Paterculus of the Lombards, (ii. 106.) Langobardos paucitas nobilitat. Plurimis ac valentissimis nationibus cincti non per obsequium, sed præliis et perilitando, tuti sunt, (Tacit. de Moribus German. c. 40.) See likewise Strabo, (l. viii. p. 446.) The best geographers place them beyond the Elbe, in the bishopric of Magdeburgh and the middle march of Brandenburg; and their situation will agree with the patriotic remark of the count de Hertzberg, that most of the Barbarian conquerors issued from the same countries which still produce the armies of Prussia.\*

† The Scandinavian origin of the Goths and Lombards, as stated by Paul Warnefrid, surnamed the deacon, is attacked by Cluverius, (Germania, Antiq. l. iii. c. 26, p. 102, &c.,) a native of Prussia, and defended by Grotius, (Prolegom. ad Hist. Goth. p. 28, &c.,) the Swedish ambassador.

\* See Malte-Brun, vol. i. p. 402.--M

the Danube, and, at the end of four hundred years, they again appear with their ancient valor and renown. Their manners were not less ferocious. The assassination of a royal guest was executed in the presence, and by the command, of the king's daughter, who had been provoked by some words of insult, and disappointed by his diminutive stature; and a tribute, the price of blood, was imposed on the Lombards, by his brother the king of the Heruli. Adversity revived a sense of moderation and justice, and the insolence of conquest was chastised by the signal defeat and irreparable dispersion of the Heruli, who were seated in the southern provinces of Poland.\* The victories of the Lombards recommended them to the friendship of the emperors; and at the solicitations of Justinian, they passed the Danube, to reduce, according to their treaty, the cities of Noricum and the fortresses of Pannonia. But the spirit of rapine soon tempted them beyond these ample limits; they wandered along the coast of the Adriatic as far as Dyrrachium, and presumed, with familiar rudeness to enter the towns and houses of their Roman allies, and to seize the captives who had escaped from their audacious hands. These acts of hostility, the sallies, as it might be pretended, of some loose adventurers, were disowned by the nation, and excused by the emperor; but the arms of the Lombards were more seriously engaged by a contest of thirty years, which was terminated only by the extirpation of the Gepidæ. The hostile nations often pleaded their cause before the throne of Constantinople; and the crafty Justinian, to whom the Barbarians were almost equally odious, pronounced a partial and ambiguous sentence, and dexterously protracted the war by slow and ineffectual succors. Their strength was formidable, since the Lombards, who sent into the field several *myriads* of soldiers, still claimed, as the weaker side, the protection of the Romans. Their spirit was intrepid; yet such is the uncertainty of courage, that the two armies were suddenly struck with a panic; they fled from each other, and the rival kings remained with their guards in the midst of an empty plain. A short truce was obtained; but their mutual resentment again kindled; and the remembrance of their

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\* Two facts in the narrative of Paul Diaconus (l. i. c. 20) are expressive of national manners: 1. *Dum ad tabulam luderet—while he played at draughts.* 2. *Camporum viridantia lina.* The cultivation of flax supposes property, commerce, agriculture, and manufactures.

shame rendered the next encounter more desperate and bloody. Forty thousand of the Barbarians perished in the decisive battle, which broke the power of the Gepidæ, transferred the fears and wishes of Justinian, and first displayed the character of Alboin, the youthful prince of the Lombards, and the future conqueror of Italy.<sup>10</sup>

The wild people who dwelt or wandered in the plains of Russia, Lithuania, and Poland, might be reduced, in the age of Justinian, under the two great families of the BULGARIANS.<sup>1</sup>

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<sup>10</sup> I have used, without undertaking to reconcile, the facts in Procopius, (Goth. l. ii. c. 14, l. iii. c. 33, 34, l. iv. c. 18, 25,) Paul Diaconus, (de Gestis Langobard. l. i. c. 1—23, in Muratori, Script. Rerum Italicarum, tom. i. p. 405—419,) and Jornandes, (de Success. Regnorum, p. 242.) The patient reader may draw some light from Mascou (Hist. of the Germans, and Annotat. xxiii.) and De Buat, (Hist. des Peuples, &c., tom. ix. x. xi.)

<sup>11</sup> I adopt the appellation of Bulgarians from Ennodius, (in Panegyric. Theodorici, Opp. Sirmond, tom. i. p. 1598, 1599,) Jornandes, (de Rebus Geticis, c. 5, p. 194, et de Regn. Successione, p. 242,) Theophanes, (p. 185,) and the Chronicles of Cassiodorus and Marcellinus. The name of Huns is too vague; the tribes of the Cutturgurians and Uturgurians are too minute and too harsh.\*

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\* The Bulgarians are first mentioned among the writers of the West in the Panegyric on Theodoric by Ennodius, Bishop of Pavia. Though they perhaps took part in the conquests of the Huns, they did not advance to the Danube till after the dismemberment of that monarchy on the death of Attila. But the Bulgarians are mentioned much earlier by the Armenian writers. Above 600 years before Christ, a tribe of Bulgarians, driven from their native possessions beyond the Caspian, occupied a part of Armenia, north of the Araxes. They were of the Finnish race; part of the nation, in the fifth century, moved westward, and reached the modern Bulgaria; part remained along the Volga, which is called Etel, Etil, or Athil, in all the Tartar languages, but from the Bulgarians, the Volga. The power of the eastern Bulgarians was broken by Batou, son of Tchingiz Khan; that of the western will appear in the course of the history. From St. Martin, vol. vii. p. 141. Malte-Brun, on the contrary, conceives that the Bulgarians took their name from the river. According to the Byzantine historians they were a branch of the Ongres, (Thunmann, Hist. of the People to the East of Europe,) but they have more resemblance to the Turks. Their first country, Great Bulgaria, was washed by the Volga. Some remains of their capital are still shown near Kasan. They afterwards dwelt in Kuban, and finally on the Danube, where they subdued (about the year 500) the Slavoservians established on the Lower Danube. Conquered in their turn by the Avars, they freed themselves from that yoke in 635; their empire then comprised the Cutturgurians, the remains of the Huns established on the Palus Mæotis. The Danubian Bulgaria, a dismemberment of this vast state, was long formidable to the Byzantine empire. Malte-Brun, Préc. de Géog. Univ. vol. i. p. 419.—M.

According to Shafarik, the Danubian Bulgaria was peopled by a *Slavo-Bulgarian* race. The Slavish population was conquered by the *Bulgarians*.

and the SCLAVONIANS. According to the Greek writers, the former, who touched the Euxine and the Lake Mæotis, derived from the Huns their name or descent; and it is needless to renew the simple and well-known picture of Tartar manners. They were bold and dexterous archers, who drank the milk, and feasted on the flesh, of their fleet and indefatigable horses; whose flocks and herds followed, or rather guided, the motions of their roving camps; to whose inroads no country was remote or impervious, and who were practised in flight, though incapable of fear. The nation was divided into two powerful and hostile tribes, who pursued each other with fraternal hatred. They eagerly disputed the friendship, or rather the gifts, of the emperor; and the distinctions which nature had fixed between the faithful dog and the rapacious wolf was applied by an ambassador who received only verbal instructions from the mouth of his illiterate prince.<sup>12</sup> The Bulgarians, of whatsoever species, were equally attracted by Roman wealth: they assumed a vague dominion over the Sclavonian name, and their rapid marches could only be stopped by the Baltic Sea, or the extreme cold and poverty of the north. But the same race of Sclavonians appears to have maintained, in every age, the possession of the same countries. Their numerous tribes, however distant or adverse, used one common language, (it was harsh and irregular,) and were known by the resemblance of their form, which deviated from the swarthy Tartar, and approached without attaining the lofty stature and fair complexion of the German. Four thousand six hundred villages<sup>13</sup> were scattered over the provinces of Russia and Poland, and their huts were hastily built of rough timber, in a country deficient both in stone and iron. Erected, or rather concealed, in the depth of forests, on the banks of rivers, or the edges of morasses, we may not perhaps, without

<sup>12</sup> Procopius, (Goth. l. iv. c. 19.) His verbal message (he owns him self an illiterate Barbarian) is delivered as an epistle. The style is savage, figurative, and original.

<sup>13</sup> This sum is the result of a particular list, in a curious MS. fragment of the year 550, found in the library of Milan. The obscure geography of the times provokes and exercises the patience of the count de Buat, (tom. xi. p. 69—189.) The French minister often loses himself in a wilderness which requires a Saxon and Polish guide.

(of Uralian and Finnish descent,) and incorporated with them. This mingled race are the Bulgarians bordering on the Byzantine empire. Shafarik, ii. 122, et seq.—M. 1845.

flattery, compare them to the architecture of the beaver: which they resembled in a double issue, to the land and water, for the escape of the savage inhabitant, an animal less cleanly, less diligent, and less social, than that marvellous quadruped. The fertility of the soil, rather than the labor of the natives, supplied the rustic plenty of the Slavonians. Their sheep and horned cattle were large and numerous, and the fields which they sowed with millet or panic<sup>14</sup> afforded, in place of bread, a coarse and less nutritive food. The incessant rapine of their neighbors compelled them to bury this treasure in the earth; but on the appearance of a stranger, it was freely imparted by a people, whose unfavorable character is qualified by the epithets of chaste, patient, and hospitable. As their supreme god, they adored an invisible master of the thunder. The rivers and the nymphs obtained their subordinate honors, and the popular worship was expressed in vows and sacrifice. The Slavonians disdained to obey a despot, a prince, or even a magistrate; but their experience was too narrow, their passions too headstrong, to compose a system of equal law or general defence. Some voluntary respect was yielded to age and valor; but each tribe or village existed as a separate republic, and all must be persuaded where none could be compelled. They fought on foot, almost naked, and except an unwieldy shield, without any defensive armor; their weapons of offence were a bow, a quiver of small poisoned arrows, and a long rope, which they dexterously threw from a distance, and entangled their enemy in a running noose. In the field, the Slavonian infantry was dangerous by their speed, agility, and hardiness: they swam, they dived, they remained under water, drawing their breath through a hollow cane; and a river or lake was often the scene of their unsuspected ambuscade. But these were the achievements of spies or stragglers; the military art was unknown to the Slavonians; their name was obscure, and their conquests were inglorious.<sup>15</sup>

<sup>14</sup> *Panicum, milium*. See Columella, l. ii. c. 9, p. 480, edit. Gesner. Plin. Hist. Natur. xviii. 24, 25. The Samaritans made a pap of millet, mingled with mare's milk or blood. In the wealth of modern husbandry, our millet feeds poultry, and not heroes. See the dictionaries of Bomare and Miller.

<sup>15</sup> For the name and nation, the situation and manners, of the Slavonians, see the original evidence of the sixth century, in Procopius, (Goth. l. ii. c. 26, l. iii. c. 14,) and the emperor Mauritius or Maurice



I have marked the faint and general outline of the Sclavonians and Bulgarians, without attempting to define their intermediate boundaries, which were not accurately known or respected by the Barbarians themselves. Their importance was measured by their vicinity to the empire; and the level country of Moldavia and Wallachia was occupied by the Antes,<sup>16</sup> a Sclavonian tribe, which swelled the titles of Justinian with an epithet of conquest.<sup>17</sup> Against the Antes he erected the fortifications of the Lower Danube; and labored to secure the alliance of a people seated in the direct channel of northern inundation, an interval of two hundred miles between the mountains of Transylvania and the Euxine Sea. But the Antes wanted power and inclination to stem the fury of the torrent; and the light-armed Sclavonians, from a hundred tribes, pursued with almost equal speed the footsteps of the Bulgarian horse. The payment of one piece of gold for each soldier procured a safe and easy retreat through the country of the Gepidæ, who commanded the passage of the Upper Danube.<sup>18</sup> The hopes or fears of the Barbarians; their intense union or discord; the accident of a frozen or shallow stream; the prospect of harvest or vintage; the prosperity or distress of the Romans; were the causes which produced the uniform repetition of annual visits,<sup>19</sup> tedious in the narrative, and destructive in the event. The same year, and possibly the same month, in which Ravenna surrendered, was marked by an invasion of the Huns or Bulgarians, so dreadful, that it almost effaced the memory of their past

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(Stratagemat. l. ii. c. 5, apud Mascon. Annotat. xxxi.) The stratagems of Maurice have been printed only; as I understand, at the end of Scheffer's edition of Arrian's Tactics, at Upsal, 1664, (Fabric. Biblioth. Græc. l. iv. c. 8, tom. iii. p. 278,) a scarce, and hitherto, to me, an inaccessible book.

<sup>16</sup> Antes eorum fortissimi . . . Taysis qui rapidus et vorticosus in Histri fluenta furens devolvitur, (Jornandes, c. 5, p. 194, edit. Murator. Procopius, Goth. l. iii. c. 14, et de Edific. l. iv. c. 7.) Yet the same Procopius mentions the Goths and Huns as neighbors, γειτονοῦντα, to the Danube, (de Edific. l. v. c. 1.)

<sup>17</sup> The national title of *Anticus*, in the laws and inscriptions of Justinian, was adopted by his successors, and is justified by the pious Ludewig (in Vit. Justinian. p. 515.) It had strangely puzzled the civilians of the middle age.

<sup>18</sup> Procopius, Goth. l. iv. c. 25.

<sup>19</sup> An inroad of the Huns is connected, by Procopius, with a comet perhaps that of 531, (Persic. l. ii. c. 4.) Agathias (l. v. p. 154, 155) borrows from his predecessors some early facts.

inroads. They spread from the suburbs of Constantinople to the Ionian Gulf, destroyed thirty-two cities or castles, erased Potidæa, which Athens had built, and Philip had besieged, and repassed the Danube, dragging at their horses' heels one hundred and twenty thousand of the subjects of Justinian. In a subsequent inroad they pierced the wall of the Thracian Chersonesus, extirpated the habitations and the inhabitants, boldly traversed the Hellespont, and returned to their companions, laden with the spoils of Asia. Another party, which seemed a multitude in the eyes of the Romans, penetrated, without opposition, from the Straits of Thermopylæ to the Isthmus of Corinth; and the last ruin of Greece has appeared an object too minute for the attention of history. The works which the emperor raised for the protection, but at the expense of his subjects, served only to disclose the weakness of some neglected part; and the walls, which by flattery had been deemed impregnable, were either deserted by the garrison, or scaled by the Barbarians. Three thousand Slavonians, who insolently divided themselves into two bands, discovered the weakness and misery of a triumphant reign. They passed the Danube and the Hebrus, vanquished the Roman generals who dared to oppose their progress, and plundered, with impunity, the cities of Illyricum and Thrace, each of which had arms and numbers to overwhelm their contemptible assailants. Whatever praise the boldness of the Slavonians may deserve, it is sullied by the wanton and deliberate cruelty which they are accused of exercising on their prisoners. Without distinction of rank, or age, or sex, the captives were impaled or flayed alive, or suspended between four posts, and beaten with clubs till they expired, or enclosed in some spacious building, and left to perish in the flames with the spoil and cattle which might impede the march of these savage victors.<sup>30</sup> Perhaps a more impartial narrative would reduce the number, and qualify the nature, of these horrid acts; and they might sometimes be excused by the cruel laws of retaliation. In the siege of Topirus,<sup>31</sup> whose obstinate defence had

<sup>30</sup> The cruelties of the Slavonians are related or magnified by Procopius, (Goth. l. iii. c. 29, 38.) For their mild and liberal behavior to their prisoners, we may appeal to the authority, somewhat more recent, of the emperor Maurice, (Stratagem. l. ii. c. 5.)

<sup>31</sup> Topirus was situate near Philippi in Thrace, or Macedonia, opposite to the Isle of Thasos, twelve days' journey from Constantinople, (Cellarius, tom. i. p. 876, 846.)

enraged the Slavonians, they massacred fifteen thousand males; but they spared the women and children; the most valuable captives were always reserved for labor or ransom; the servitude was not rigorous, and the terms of their deliverance were speedy and moderate. But the subject, or the historian of Justinian, exhaled his just indignation in the language of complaint and reproach; and Procopius has confidently affirmed, that in a reign of thirty-two years, each *annual* inroad of the Barbarians consumed two hundred thousand of the inhabitants of the Roman empire. The entire population of Turkish Europe, which nearly corresponds with the provinces of Justinian, would perhaps be incapable of supplying six millions of persons, the result of this incredible estimate.<sup>22</sup>

In the midst of these obscure calamities, Europe felt the shock of revolution, which first revealed to the world the name and nation of the *TURKS*.<sup>\*</sup> Like Romulus, the founder † of that martial people was suckled by a she-wolf, who afterwards made him the father of a numerous progeny; and the representation of that animal in the banners of the Turks preserved the memory, or rather suggested the idea, of a fable, which was invented, without any mutual intercourse, by the shepherds of Latium and those of Scythia. At the equal distance of two thousand miles from the Caspian, the Icy, the Chinese, and the Bengal Seas, a ridge of mountains is conspicuous, the centre, and perhaps the summit, of Asia; which, in the language of different nations, has been styled Imaus, and Caf,<sup>23</sup> and Altai, and the Golden Mountains, ‡ and

<sup>22</sup> According to the malevolent testimony of the *Anecdotes*, (c. 18,) these inroads had reduced the provinces south of the Danube to the state of a Scythian wilderness.

<sup>23</sup> From Caf to Caf; which a more rational geography would interpret, from Imaus, perhaps, to Mount Atlas. According to the religious philosophy of the Mahometans, the basis of Mount Caf is an emerald, whose reflection produces the azure of the sky. The mountain is endowed with a sensitive action in its roots or nerves; and their vibration, at the command of God, is the cause of earthquakes. (*D'Herbelot*, p. 230, 231.)

<sup>\*</sup> It must be remembered that the name of *Turks* is extended to a whole family of the Asiatic races, and not confined to the *Assena*, or *Turks* of the Altai.—M.

† *Assena* (the wolf) was the name of this chief. *Klaproth*, *Telb Hist. de l'Asie*, p. 114.—M.

‡ Altai, i. e. *Altun Tagh*, the Golden Mountain. *Von Hammer Oussan Geschichte*, vol. i. p. 2.—M.

the Girdle of the Earth. The sides of the hills were productive of minerals; and the iron forges,<sup>24</sup> for the purpose of war, were exercised by the Turks, the most despised portion of the slaves of the great khan of the Geougen. But their servitude could only last till a leader, bold and eloquent, should arise to persuade his countrymen that the same arms which they forged for their masters, might become, in their own hands, the instruments of freedom and victory. They sallied from the mountains;<sup>25</sup> a sceptre was the reward of his advice; and the annual ceremony, in which a piece of iron was heated in the fire, and a smith's hammer<sup>\*</sup> was successively handled by the prince and his nobles, recorded for ages the humble profession and rational pride of the Turkish nation. Bertezena,† their first leader, signalized their valor and his own in successful combats against the neighboring tribes; but when he presumed to ask in marriage the daughter of the great khan, the insolent demand of a slave and a mechanic was contemptuously rejected. The disgrace was expiated by a more noble alliance with a princess of China; and the

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<sup>24</sup> The Siberian iron is the best and most plentiful in the world; and in the southern parts, above sixty mines are now worked by the industry of the Russians, (Strahlenberg, *Hist. of Siberia*, p. 342, 387. *Voyage en Sibirie, par l'Abbé Chappe d'Auteroche*, p. 603—608, edit. in 12mo. Amsterdam. 1770.) The Turks offered iron for sale; yet the Roman ambassadors, with strange obstinacy, persisted in believing that it was all a trick, and that their country produced none, (Menander in *Excerpt. Leg.* p. 152.)

<sup>25</sup> Of Irgana-kon, (Abulghazi Khan, *Hist. Généalogique des Tatares*, P. ii. c. 5, p. 71—77, c. 15, p. 155.) The tradition of the Moguls, of the 450 years which they passed in the mountains, agrees with the Chinese periods of the history of the Huns and Turks, (De Guignes, tom. i. part ii. p. 376,) and the twenty generations, from their restoration to Zingis.

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<sup>\*</sup> The Mongol Temugin is also, though erroneously, explained by Rubruquis, a smith. Schmidt, p. 76.—M.

† There appears the same confusion here. Bertezena (Berte-Scheno) is claimed as the founder of the Mongol race. The name means the gray (blauliche) wolf. In fact, the same tradition of the origin from a wolf seems common to the Mongols and the Turks. The Mongol Berté-Scheno, of the very curious Mongol History, published and translated by M. Schmidt of Petersburg, is brought from Thibet. M. Schmidt considers this tradition of the Thibetane descent of the royal race of the Mongols to be much earlier than their conversion to Lamaism, yet it seems very suspicious. See Klaproth, *Tabl. de l'Asie*, p. 159. The Turkish Bertezena is called Thon-men by Klaproth, p. 115. In 552, Thon-men took the title of Kha-Khan, and was called li Khan.—M.

decisive battle which almost extirpated the nation of the Geougen, established in Tartary the new and more powerful empire of the Turks.\* They reigned over the north; but they confessed the vanity of conquest, by their faithful attachment to the mountain of their fathers. The royal encampment seldom lost sight of Mount Altai, from whence the River Irtysh descends to water the rich pastures of the Calmucks,\*\* which nourish the largest sheep and oxen in the world. The soil is fruitful, and the climate mild and temperate: the happy region was ignorant of earthquake and pestilence; the emperor's throne was turned towards the East, and a golden wolf on the top of a spear seemed to guard the entrance of his tent. One of the successors of Bertezena was tempted by the luxury and superstition of China; but his design of building cities and temples was defeated by the simple wisdom of a Barbarian counsellor. "The Turks," he said, "are not equal in number to one hundredth part of the inhabitants of China. If we balance their power, and elude their armies, it is because we wander without any fixed habitations in the exercise of war and hunting. Are we strong? we advance and conquer: are we feeble? we retire and are concealed. Should the Turks confine themselves within the walls of cities, the loss of a battle would be the destruction of their empire. The bonzes preach only patience, humility, and the renunciation of the world. Such, O king! is not the religion of heroes." They entertained, with less reluctance, the doctrines of Zoroaster; but the greatest part of the nation acquiesced, without inquiry, in the opinions, or rather in the practice, of their ancestors. The honors of sacrifice were reserved for the supreme deity; they acknowledged, in rude hymns, their obligations to the air, the fire, the water, and the earth; and their priests derived some profit from the art of divination. Their unwritten laws were rigorous and impartial: theft was punished with a tenfold restitution; adultery, treason, and murder, with death; and no chastisement could be inflicted too

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\*\* The country of the Turks, now of the Calmucks, is well described in the Genealogical History, p. 521—562. The curious notes of the French translator are enlarged and digested in the second volume of the English version.

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\* Great Bucharia is called Turkistan: see Hammer, 2. It includes all the vast steppes at the foot of the Altai. The name is the same with that of the Turan of Persian poetic legend.—M.

severe for the rare and inextinguishable guilt of cowardice. As the subject nations marched under the standard of the Turks, their cavalry, both men and horses, were proudly computed by millions; one of their effective armies consisted of four hundred thousand soldiers, and in less than fifty years they were connected in peace and war with the Romans, the Persians, and the Chinese. In their northern limits, some vestige may be discovered of the form and situation of Kamptchatka, of a people of hunters and fishermen; whose sledges were drawn by dogs, and whose habitations were buried in the earth. The Turks were ignorant of astronomy; but the observation taken by some learned Chinese, with a gnomon of eight feet, fixes the royal camp in the latitude of forty-nine degrees, and marks their extreme progress within three, or at least ten degrees, of the polar circle.<sup>27</sup> Among their southern conquests the most splendid was that of the Nephthalites, or white Huns, a polite and warlike people, who possessed the commercial cities of Bochara and Samarcand, who had vanquished the Persian monarch, and carried their victorious arms along the banks, and perhaps to the mouth, of the Indus. On the side of the West, the Turkish cavalry advanced to the Lake Mæotis. They passed that lake on the ice. The khan who dwelt at the foot of Mount Altai issued his commands for the siege of Bosphorus,<sup>28</sup> a city the voluntary subject of Rome, and whose princes had formerly been the friends of Athens.<sup>29</sup> To the east, the Turks invaded China, as often as the vigor of the government was relaxed: and I am taught to read in the history of the times, that they mowed down their patient enemies like hemp or grass; and that the mandarins applauded the wisdom of an emperor who repulsed these Barbarians with golden lances. This extent of savage empire compelled the Turkish monarch to establish three subordinate princes of his own blood, who soon forgot their gratitude and allegiance. The conquerors were enervated by luxury, which is always

<sup>27</sup> Visdelou, p. 141, 151. The fact, though it strictly belongs to a subordinate and successive tribe, may be introduced here.

<sup>28</sup> Procopius, *Persic.* l. i. c. 12, l. ii. c. 3. Peyssonel, *Observations sur les Peuples Barbares*, p. 99, 100, defines the distance between Caffa and the old Bosphorus at xvi. long Tartar leagues.

<sup>29</sup> See, in a *Mémoire* of M. de Boze, (*Mém. de l'Académie des Inscriptions*, tom. vi. p. 549—565,) the ancient kings and medals of the Cimmerian Bosphorus; and the gratitude of Athens, in the *Oration* of Demosthenes against Leptines, (in *Reiske, Orator. Græc.* tom. i. p. 488, 467.)

frequent and cordial intercourse; the most favored vassals were permitted to imitate the example of the great khan, and one hundred and six Turks, who, on various occasions, had visited Constantinople, departed at the same time for their native country. The duration and length of the journey from the Byzantine court to Mount Altai are not specified: it might have been difficult to mark a road through the nameless deserts, the mountains, rivers, and morasses of Tartary; but a curious account has been preserved of the reception of the Roman ambassadors at the royal camp. After they had been purified with fire and incense, according to a rite still practised under the sons of Zingis,\* they were introduced to the presence of Disabul. In a valley of the Golden Mountain, they found the great khan in his tent, seated in a chair with wheels, to which a horse might be occasionally harnessed. As soon as they had delivered their presents, which were received by the proper officers, they exposed, in a florid oration, the wishes of the Roman emperor, that victory might attend the arms of the Turks, that their reign might be long and prosperous, and that a strict alliance, without envy or deceit, might forever be maintained between the two most powerful nations of the earth. The answer of Disabul corresponded with these friendly professions, and the ambassadors were seated by his side, at a banquet which lasted the greatest part of the day: the tent was surrounded with silk hangings, and a Tartar liquor was served on the table, which possessed at least the intoxicating qualities of wine. The entertainment of the succeeding day was more sumptuous; the silk hangings of the second tent were embroidered in various figures; and the royal seat, the cups, and the vases,

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\* This rite is so curious, that I have subjoined the description of it:—

When these (the exorcisers, the Shamans) approached Zemarchus, they took all our baggage and placed it in the centre. Then, kindling a fire with branches of frankincense, lowly murmuring certain barbarous words in the Scythian language, beating on a kind of bell (a gong) and a drum, they passed over the baggage the leaves of the frankincense, crackling with the fire, and at the same time themselves becoming frantic, and violently leaping about, seemed to exorcise the evil spirits. Having thus as they thought, averted all evil, they led Zemarchus himself through the fire. Menander, in Niebuhr's *Bryant. Hist.* p. 381. Compare Carpinus's *Travels*. The princes of the race of Zingis Khan condescended to receive the ambassadors of the king of France, at the end of the 13th century without their submitting to this humiliating rite. See *Correspondence* published by Abel Remusat, *Nouv. Mém. de l'Acad. des Inscr.* vol vii. On the embassy of Zemarchus, compare Klaproth, *Tableaux de l'Asie*. p. 116.—M.

were of gold. A third pavilion was supported by columns of gilt wood; a bed of pure and massy gold was raised on four peacocks of the same metal: and before the entrance of the tent, dishes, basins, and statues of solid silver, and admirable art, were ostentatiously piled in wagons, the monuments of valor rather than of industry. When Disabul led his armies against the frontiers of Persia, his Roman allies followed many days the march of the Turkish camp, nor were they dismissed till they had enjoyed their precedency over the envoy of the great king, whose loud and intemperate clamors interrupted the silence of the royal banquet. The power and ambition of Choeroes cemented the union of the Turks and Romans, who touched his dominions on either side: but those distant nations, regardless of each other, consulted the dictates of interest, without recollecting the obligations of oaths and treaties. While the successor of Disabul celebrated his father's obsequies, he was saluted by the ambassadors of the emperor Tiberius, who proposed an invasion of Persia, and sustained, with firmness, the angry and perhaps the just reproaches of that haughty Barbarian. "You see my ten fingers," said the great khan, and he applied them to his mouth. "You Romans speak with as many tongues, but they are tongues of deceit and perjury. To me you hold one language, to my subjects another; and the nations are successively deluded by your perfidious eloquence. You precipitate your allies into war and danger, you enjoy their labors, and you neglect your benefactors. Hasten your return, inform your master that a Turk is incapable of uttering or forgiving falsehood, and that he shall speedily meet the punishment which he deserves. While he solicits my friendship with flattering and hollow words, he is sunk to a confederate of my fugitive Varchonites. If I condescend to march against those contemptible slaves, they will tremble at the sound of our whips; they will be trampled, like a nest of ants, under the feet of my innumerable cavalry. I am not ignorant of the road which they have followed to invade your empire; nor can I be deceived by the vain pretence, that Mount Caucasus is the impregnable barrier of the Romans. I know the course of the Niester, the Danube, and the Hebrus; the most warlike nations have yielded to the arms of the Turks; and from the rising to the setting sun, the earth is my inheritance." Notwithstanding this menace, a sense of mutual advantage soon renewed the alliance of the Turks and



Romans: but the pride of the great khan survived his resentment; and when he announced an important conquest to his friend the emperor Maurice, he styled himself the master of the seven races, and the lord of the seven climates of the world.<sup>37</sup>

Disputes have often arisen between the sovereigns of Asia for the title of king of the world; while the contest has proved that it could not belong to either of the competitors. The kingdom of the Turks was bounded by the Oxus or Gihon; and *Touran* was separated by that great river from the rival monarchy of *Iran*, or Persia, which in a smaller compass contained perhaps a larger measure of power and population. The Persians, who alternately invaded and repulsed the Turks and the Romans, were still ruled by the house of Sassan, which ascended the throne three hundred years before the accession of Justinian. His contemporary, Cabades, or Kobad, had been successful in war against the emperor Anastasius; but the reign of that prince was distracted by civil and religious troubles. A prisoner in the hands of his subjects, an exile among the enemies of Persia, he recovered his liberty by prostituting the honor of his wife, and regained his kingdom with the dangerous and mercenary aid of the Barbarians, who had slain his father. His nobles were suspicious that Kobad never forgave the authors of his expulsion, or even those of his restoration. The people was deluded and inflamed by the fanaticism of Mazdak,<sup>38</sup> who asserted the community of women,<sup>39</sup> and the equality of man

<sup>37</sup> All the details of these Turkish and Roman embassies, so curious in the history of human manners, are drawn from the extracts of Meander, (p. 106—110, 151—154, 161—164,) in which we often regret the want of order and connection.

<sup>38</sup> See D'Herbelot, (Biblot. Orient. p. 568, 929;) Hyde, (de Religione Vet. Persarum, c. 21, p. 290, 291;) Pocock, (Specimen Hist. Arab. p. 70, 71;) Eutychius, (Annal. tom. ii. p. 176;) Texeira, (in Stevens, Hist. of Persia, l. i. c. 24.)\*

<sup>39</sup> The fame of the new law for the community of women was soon propagated in Syria (Asseman. Biblot. Orient. tom. iii. p. 402) and Greece, (Procop. Persic. l. i. c. 5.)

\* Mazdak was an Archimagus, born, according to Mirkhond, (translated by De Sacy, p. 353, and Malcolm, vol. i. p. 104,) at Istakhar or Persepolis, according to an inedited and anonymous history. (the Modjmal-alte-warikh in the Royal Library at Paris, quoted by St. Martin, vol. vii. p. 332.) at Mischapour in Chorasau: his father's name was Bamdadam. He announces

kind, whilst he appropriated the richest lands and most beautiful females to the use of his sectaries. The view of these disorders, which had been fomented by his laws and example, "imbittered the declining age of the Persian monarch; and his fears were increased by the consciousness of his design to reverse the natural and customary order of succession, in favor of his third and most favored son, so famous under the names of Choaroes and Nushirvan. To render the youth more illustrious in the eyes of the nations, Kobad was desirous that he should be adopted by the emperor Justin:" the hope of peace inclined the Byzantine court to accept this singular proposal; and Chosroes might have acquired a specious claim to the inheritance of his Roman parent. But the future mischief was diverted by the advice of the quæstor Proclus: a difficulty was started, whether the adoption should be performed as a civil or military rite;" the treaty was

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" He offered his own wife and sister to the prophet; but the prayers of Nushirvan saved his mother, and the indignant monarch never forgave the humiliation to which his filial piety had stooped: *pedes tuos deosculatus* (said he to Mazdak,) *cujus fœtor adhuc nares occupat*, (Pocock, Specimen Hist. Arab. p. 71.)

" Procopius, Persic. l. i. c. 11. Was not Proclus over-wise? Was not the danger imaginary!—The excuse, at least, was injurious to a nation not ignorant of letters: *οὐ γράμμασιν αὐτὸν βαρβαροὶ τοὺς παῖδας ποιεῖνται, ἀλλ' ὁρίωνται*. Whether any mode of adoption was practised in Persia, I much doubt.

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himself as a reformer of Zoroastrianism, and carried the doctrine of the two principles to a much greater height. He preached the absolute indifference of human action, perfect equality of rank, community of property and of women, marriages between the nearest kindred; he interdicted the use of animal food, proscribed the killing of animals for food, enforced a vegetable diet. See St. Martin, vol. vii. p. 322. Malcolm, vol. i. p. 104. Mirkhond translated by De Sacy. It is remarkable that the doctrine of Mazdak spread into the West. Two inscriptions found in Cyrene, in 1823, and explained by M. Gesenius, and by M. Hamaker of Leyden, prove clearly that his doctrines had been eagerly embraced by the remains of the ancient Gnostics; and Mazdak was enrolled with Thoth, Saturn, Zoroaster, Pythagoras, Epicurus, John, and Christ, as the teachers of true Gnostic wisdom. See St. Martin, vol. vii. p. 338. Gesenius de Inscriptione Phœnicia-Græcâ in Cyrenaisâ nuper repertâ, Halle, 1825. Hamaker, Lettre à M. Raoul Rochette, Leyden, 1825.—M.

St. Martin questions this adoption: he urges its improbability; and supposes that Procopius, perverting some popular traditions, or the remembrance of some fruitless negotiations which took place at that time, has mistaken, for a treaty of adoption, some treaty of guaranty or protection for the purpose of insuring the crown, after the death of Kobad, to his favorite son Chosroes, vol. viii. p. 32. Yet the Greek historians seem unanimous as to the proposal: the Persians might be expected to maintain silence on such a subject.—M.

alraptly dissolved; and the sense of this indignity sunk deep into the mind of Chosroes, who had already advanced to the Tigris on his road to Constantinople. His father did not long survive the disappointment of his wishes: the testament of their deceased sovereign was read in the assembly of the nobles; and a powerful faction, prepared for the event, and regardless of the priority of age, exalted Chosroes to the throne of Persia. He filled that throne during a prosperous period of forty-eight years;<sup>42</sup> and the JUSTICE of Nushirvan is celebrated as the theme of immortal praise by the nations of the East.

But the justice of kings is understood by themselves, and even by their subjects, with an ample indulgence for the gratification of passion and interest. The virtue of Chosroes was that of a conqueror, who, in the measures of peace and war, is excited by ambition, and restrained by prudence; who confounds the greatness with the happiness of a nation, and calmly devotes the lives of thousands to the fame, or even the amusement, of a single man. In his domestic administration, the just Nushirvan would merit in our feelings the appellation of a tyrant. His two elder brothers had been deprived of their fair expectations of the diadem: their future life, between the supreme rank and the condition of subjects, was anxious to themselves and formidable to their master: fear as well as revenge might tempt them to rebel; the slightest evidence of a conspiracy satisfied the author of their wrongs; and the repose of Chosroes was secured by the death of these unhappy princes, with their families and adherents. One guiltless youth was saved and dismissed by the compassion of a veteran general; and this act of humanity, which was revealed by his son, overbalanced the merit of reducing twelve nations to the obedience of Persia. The zeal and prudence of Mebodes had fixed the diadem on the

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<sup>42</sup> From Procopius and Agathias, Pagi (tom. ii. p. 543, 626) has proved that Chosroes Nushirvan ascended the throne in the fifth year of Justinian, (A. D. 531, April 1.—A. D. 532, April 1.) But the true chronology, which harmonizes with the Greeks and Orientals, is ascertained by John Malala, (tom. ii. 211.) Cabades, or Kobad, after a reign of forty-three years and two months, sickened the 8th and died the 13th of September, A. D. 531, aged eighty-two years. According to the annals of Eutychius, Nushirvan reigned forty-seven years and six months; and his death must consequently be placed in March, A. D. 579.

head of Chosroes himself; but he delayed to attend the royal summons, till he had performed the duties of a military review: he was instantly commanded to repair to the iron tripod, which stood before the gate of the palace,<sup>45</sup> where it was death to relieve or approach the victim; and Mebodes languished several days before his sentence was pronounced, by the inflexible pride and calm ingratitude of the son of Kobad. But the people, more especially in the East, is disposed to forgive, and even to applaud, the cruelty which strikes at the loftiest heads; at the slaves of ambition, whose voluntary choice has exposed them to live in the smiles, and to perish by the frown, of a capricious monarch. In the execution of the laws which he had no temptation to violate; in the punishment of crimes which attacked his own dignity, as well as the happiness of individuals; Nushirvan, or Chosroes, deserved the appellation of *just*. His government was firm, rigorous, and impartial. It was the first labor of his reign to abolish the dangerous theory of common or equal possessions: the lands and women which the sectaries of Mazdak had usurped were restored to their lawful owners; and the temperate\* chastisement of the fanatics or impostors confirmed the domestic rights of society. Instead of listening with blind confidence to a favorite minister, he established four viziers over the four great provinces of his empire, Assyria, Media, Persia, and Bactriana. In the choice of judges, præfects, and counsellors, he strove to remove the mask which is always worn in the presence of kings: he wished to substitute the natural order of talents for the accidental distinctions of birth and fortune; he professed, in specious language, his intention to prefer those men who carried the poor in their bosoms, and to banish corruption from the seat of justice, as dogs were excluded from the temples of the Magi. The code of laws

<sup>45</sup> Procopius, *Persic.* l. i. c. 28. Brisson, *de Regn. Pers.* p. 494. The gate of the palace of Ispahan is, or was, the fatal scene of disgrace or death, (Chardin, *Voyage en Perse*, tom. iv. p. 312, 313.)

\* This is a strange term. Nushirvan employed a stratagem similar to that of Jehu, 2 Kings, x. 18-28, to separate the followers of Mazdak from the rest of his subjects, and with a body of his troops cut them all in pieces. The Greek writers concur with the Persian in this representation of Nushirvan's temperate conduct. Theophanes, p. 146. Mirkhond, p. 362. Eutychius, *Ann.* vol. ii. p. 179. Abulfeda, in an unedited part, consulted by St. Martin as well as in a passage formerly cited. Le Beau, *et c.* p. 38. Malcolm, vol. i. p. 100.—M.

of the first Artaxerxes was revived and published as the rule of the magistrates; but the assurance of speedy punishment was the best security of their virtue. Their behavior was inspected by a thousand eyes, their words were overheard by a thousand ears, the secret or public agents of the throne; and the provinces, from the Indian to the Arabian confines, were enlightened by the frequent visits of a sovereign, who affected to emulate his celestial brother in his rapid and salutary career. Education and agriculture he viewed as the two objects most deserving of his care. In every city of Persia, orphans, and the children of the poor, were maintained and instructed at the public expense; the daughters were given in marriage to the richest citizens of their own rank, and the sons, according to their different talents, were employed in mechanic trades, or promoted to more honorable service. The deserted villages were relieved by his bounty; to the peasants and farmers who were found incapable of cultivating their lands, he distributed cattle, seed, and the instruments of husbandry; and the rare and inestimable treasure of fresh water was parsimoniously managed, and skilfully dispersed over the arid territory of Persia.\* The prosperity of that kingdom was the effect and evidence of his virtues: his vices are those of Oriental despotism; but in the long competition between Chosroes and Justinian, the advantage both of merit and fortune is almost always on the side of the Barbarian.\*\*

To the praise of justice Nushirvan united the reputation of knowledge; and the seven Greek philosophers, who visited his court, were invited and deceived by the strange assurance, that a disciple of Plato was seated on the Persian throne. Did they expect, that a prince, strenuously exercised in the toils of war and government, should agitate, with dexterity like

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\* In Persia, the prince of the waters is an officer of state. The number of wells and subterraneous channels is much diminished, and with it the fertility of the soil: 400 wells have been recently lost near Tauris, and 42,000 were once reckoned in the province of Khorasan, (Chardin, tom. iii. p. 99, 100. Tavernier, tom. i. p. 416.)

\*\* The character and government of Nushirvan is represented some times in the words of D'Herbelot, (Bibliot. Orient. p. 680, &c., from Khondemir,) Euty chius, (Annal. tom. ii. p. 179, 180,—very rich,) Abulpharagius, (Dynast. vii. p. 94, 95,—very poor,) Tarikh Schikard, (p. 144—150,) Teixeira, (in Stevens, l. i. c. 35,) Asseman, (Bibliot. Orient. tom. iii. p. 404—410,) and the Abbé Fourmont, (Hist. de l'Acad. des Inscriptions, tom. vii. p. 325—334,) who has translated a spurious or genuine testament of Nushirvan.

their own, the abstruse and profound questions which amused the leisure of the schools of Athens? Could they hope that the precepts of philosophy should direct the life, and control the passions, of a despot, whose infancy had been taught to consider his absolute and fluctuating will as the only rule of moral obligation?<sup>40</sup> The studies of Chosroes were ostentatious and superficial: but his example awakened the curiosity of an ingenious people, and the light of science was diffused over the dominions of Persia.<sup>41</sup> At Gondi Sapor, in the neighborhood of the royal city of Susa, an academy of physic was founded, which insensibly became a liberal school of poetry, philosophy, and rhetoric.<sup>42</sup> The annals of the monarchy<sup>43</sup> were composed; and while recent and authentic history might afford some useful lessons both to the prince and people, the darkness of the first ages was embellished by the giants, the dragons, and the fabulous heroes of Oriental romance.<sup>44</sup> Every learned or confident stranger was enriched by the bounty, and flattered by the conversation, of the monarch: he nobly rewarded a Greek physician,<sup>45</sup> by the deliverance of three thousand captives; and the sophists, who contended for his favor, were exasperated by the wealth and insolence of Ura-

<sup>40</sup> A thousand years before his birth, the judges of Persia had given a solemn opinion—*τοῖς βασιλεύουσι Περσέων ἔσθιναι ποτεῖν τὸ ἀν βούληται*, (Herodot. l. iii. c. 31, p. 210, edit. Wesseling.) Nor had this constitutional maxim been neglected as a useless and barren theory.

<sup>41</sup> On the literary state of Persia, the Greek versions, philosophers, sophists, the learning or ignorance of Chosroes, Agathias (l. ii. c. 66-71) displays much information and strong prejudices.

<sup>42</sup> Asseman. Bibliot. Orient. tom. iv. p. dccxlv. vi. vii.

<sup>43</sup> The Shah Nameh, or Book of Kings, is perhaps the original record of history which was translated into Greek by the interpreter Sergius, (Agathias, l. v. p. 141,) preserved after the Mahometan conquest, and versified in the year 994, by the national poet Ferdousi. See D'Anquetil (Mém. de l'Académie, tom. xxxi. p. 379) and Sir William Jones, (Hist. of Nadir Shah, p. 161.)

<sup>44</sup> In the fifth century, the name of Restom, or Rostam, a hero who equalled the strength of twelve elephants, was familiar to the Armenians, (Moses Chorenensis, Hist. Armen. l. ii. c. 7, p. 96, edit. Whiston.) In the beginning of the seventh, the Persian Romance of Rostam and Isfendiar was applauded at Mecca, (Sale's Koran, c. xxxi. p. 335.) Yet this exposition of ludicrum novæ historię is not given by Maracci, (Refutat. Alcoran. p. 544-548.)

<sup>45</sup> Procop. (Goth. l. iv. c. 10.) Koban had a favorite Greek physician, Stephen of Edessa, (Persic. l. ii. c. 26.) The practice was ancient; and Herodotus relates the adventures of Democedes of Crotona, (l. iii. c. 135-137.)

bled in the plains of Babylon, prudently declined the strong cities of Mesopotamia, and followed the western bank of the Euphrates, till the small, though populous, town of Dura\* presumed to arrest the progress of the great king. The gates of Dura, by treachery and surprise, were burst open; and as soon as Chosroes had stained his cimeter with the blood of the inhabitants, he dismissed the ambassador of Justinian to inform his master in what place he had left the enemy of the Romans. The conqueror still affected the praise of humanity and justice; and as he beheld a noble matron with her infant rudely dragged along the ground, he sighed, he wept, and implored the divine justice to punish the author of these calamities. Yet the herd of twelve thousand captives was ransomed for two hundred pounds of gold; the neighboring bishop of Sergiopolis pledged his faith for the payment: and in the subsequent year the unfeeling avarice of Chosroes exacted the penalty of an obligation which it was generous to contract and impossible to discharge. He advanced into the heart of Syria: but a feeble enemy, who vanished at his approach, disappointed him of the honor of victory; and as he could not hope to establish his dominion, the Persian king displayed in this inroad the mean and rapacious vices of a robber. Hierapolis, Berhæa or Aleppo, Apamea and Chalcis, were successively besieged: they redeemed their safety by a ransom of gold or silver, proportioned to their respective strength and opulence; and their new master enforced, without observing, the terms of capitulation. Educated in the religion of the Magi, he exercised, without remorse, the lucrative trade of sacrilege; and, after stripping of its gold and gems a piece of the true cross, he generously restored the naked relic to the devotion of the Christians of Apamea. No more than fourteen years had elapsed since Antioch was ruined by an earthquake;† but the queen of the East, the new Theopolis, had been raised from the ground by the liberality of Justinian; and the increasing greatness of the buildings and the people already erased the memory of this recent

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lot himself, (p. 680,) should blush when he blames them for making Justinian and Nushirvan contemporaries. On the geography of the seat of war, D'Anville (*l'Euphrate et le Tigre*) is sufficient and satisfactory.

\* It is *Sura* in Procopius. Is it a misprint in Gibbon?—M.

† Joannes Lydus attributes the easy capture of Antioch to the want of fortifications which had not been restored since the earthquake, *l. lii. c. 54. p. 946.*—M.

disaster. On one side, the city was defended by the mountain, on the other by the River Orontes; but the most accessible part was commanded by a superior eminence: the proper remedies were rejected, from the despicable fear of discovering its weakness to the enemy; and Germanus, the emperor's nephew, refused to trust his person and dignity within the walls of a besieged city. The people of Antioch had inherited the vain and satirical genius of their ancestors: they were elated by a sudden reinforcement of six thousand soldiers; they disdained the offers of an easy capitulation and their intemperate clamors insulted from the ramparts the majesty of the great king. Under his eye the Persian myriads mounted with scaling-ladders to the assault; the Roman mercenaries fled through the opposite gate of Daphne; and the generous assistance of the youth of Antioch served only to aggravate the miseries of their country. As Chosroes, attended by the ambassadors of Justinian, was descending from the mountain, he affected, in a plaintive voice, to deplore the obstinacy and ruin of that unhappy people; but the slaughter still raged with unrelenting fury; and the city, at the command of a Barbarian, was delivered to the flames. The cathedral of Antioch was indeed preserved by the aversion, not the piety, of the conqueror: a more honorable exemption was granted to the church of St. Julian, and the quarter of the town where the ambassadors resided; some distant streets were saved by the shifting of the wind, and the walls still subsisted to protect, and soon to betray, their new inhabitants. Fanaticism had defaced the ornaments of Daphne, but Chosroes breathed a purer air amidst her groves and fountains; and some idolaters in his train might sacrifice with impunity to the nymphs of that elegant retreat. Eighteen miles below Antioch, the River Orontes falls into the Mediterranean. The haughty Persian visited the term of his conquests; and, after bathing alone in the sea, he offered a solemn sacrifice of thanksgiving to the sun, or rather to the Creator of the sun, whom the Magi adored. If this act of superstition offended the prejudices of the Syrians, they were pleased by the courteous and even eager attention with which he assisted at the games of the circus; and as Chosroes had heard that the *blue* faction was espoused by the emperor, his peremptory command secured the victory of the *green* character. From the discipline of his camp the people derived more solid consolation; and they interceded in vain for the



life of a soldier who had too faithfully copied the rapine of the just Nushirvan. At length, fatigued, though unsatiated, with the spoil of Syria,\* he slowly moved to the Euphrates, formed a temporary bridge in the neighborhood of Barbalissus, and defined the space of three days for the entire passage of his numerous host. After his return, he founded, at the distance of one day's journey from the palace of Ctesiphon, a new city, which perpetuated the joint names of Chosroes and of Antioch. The Syrian captives recognized the form and situation of their native abodes: baths and a stately circus were constructed for their use; and a colony of musicians and charioteers revived in Assyria the pleasures of a Greek capital. By the munificence of the royal founder, a liberal allowance was assigned to these fortunate exiles; and they enjoyed the singular privilege of bestowing freedom on the slaves whom they acknowledged as their kinsmen. Palestine, and the holy wealth of Jerusalem, were the next objects that attracted the ambition, or rather the avarice, of Chosroes. Constantinople, and the palace of the Cæsars, no longer appeared impregnable or remote; and his aspiring fancy already covered Asia Minor with the troops, and the Black Sea with the navies, of Persia.

These hopes might have been realized, if the conqueror of Italy had not been seasonably recalled to the defence of the East.<sup>22</sup> While Chosroes pursued his ambitious designs on the coast of the Euxine, Belisarius, at the head of an army without pay or discipline, encamped beyond the Euphrates, within six miles of Nisibis. He meditated, by a skilful operation, to draw the Persians from their impregnable citadel, and improving his advantage in the field, either to intercept their retreat, or perhaps to enter the gates with the flying Barbarians. He advanced one day's journey on the territories of Persia, reduced the fortress of Sisaurane, and sent the governor, with eight hundred chosen horsemen, to serve the emperor in his Italian wars. He detached Arethas and his

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<sup>22</sup> In the public history of Procopius, (Persic. l. ii. c. 16, 18, 19, 20, 21, 24, 25, 26, 27, 28;) and, with some slight exceptions, we may reasonably shut our ears against the malevolent whisper of the *Anecdotes*, (c. 2, 3, with the Notes, as usual, of Alemannus.)

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<sup>23</sup> Lydus asserts that he carried away all the statues, pictures, and monuments which adorned the city, l. iii. c. 54, p. 246.—M.

Arabs, supported by twelve hundred Romans, to pass the Tigris, and to ravage the harvests of Assyria, a fruitful province, long exempt from the calamities of war. But the plans of Belisarius were disconcerted by the untractable spirit of Arethas, who neither returned to the camp, nor sent any intelligence of his motions. The Roman general was fixed in anxious expectation to the same spot; the time of action elapsed, the ardent sun of Mesopotamia inflamed with fevers the blood of his European soldiers; and the stationary troops and officers of Syria affected to tremble for the safety of their defenceless cities. Yet this diversion had already succeeded in forcing Chosroes to return with loss and precipitation; and if the skill of Belisarius had been seconded by discipline and valor, his success might have satisfied the sanguine wishes of the public, who required at his hands the conquest of Ctesiphon, and the deliverance of the captives of Antioch. At the end of the campaign, he was recalled to Constantinople by an ungrateful court, but the dangers of the ensuing spring restored his confidence and command; and the hero, almost alone, was despatched, with the speed of post-horses, to repel, by his name and presence, the invasion of Syria. He found the Roman generals, among whom was a nephew of Justinian, imprisoned by their fears in the fortifications of Hierapolis. But instead of listening to their timid counsels, Belisarius commanded them to follow him to Europus, where he had resolved to collect his forces, and to execute whatever God should inspire him to achieve against the enemy. His firm attitude on the banks of the Euphrates restrained Chosroes from advancing towards Palestine; and he received with art and dignity the ambassadors, or rather spies, of the Persian monarch. The plain between Hierapolis and the river was covered with the squadrons of cavalry, six thousand hunters, tall and robust, who pursued their game without the apprehension of an enemy. On the opposite bank the ambassadors descried a thousand Armenian horse, who appeared to guard the passage of the Euphrates. The tent of Belisarius was of the coarsest linen, the simple equipage of a warrior who disdained the luxury of the East. Around his tent, the nations who marched under his standard were arranged with skilful confusion. The Thracians and Illyrians were posted in the front, the Heruli and Goths in the centre; the prospect was closed by the Moors and Vandals, and their loose array seemed to multiply their numbers. Their dress was light and active;

one soldier carried a whip, another a sword, a third a bow, a fourth, perhaps, a battle-axe, and the whole picture exhibited the intrepidity of the troops and the vigilance of the general. Chosroes was deluded by the address, and awed by the genius of the lieutenant of Justinian. Conscious of the merit, and ignorant of the force, of his antagonist, he dreaded a decisive battle in a distant country, from whence not a Persian might return to relate the melancholy tale. The great king hastened to repass the Euphrates; and Belisarius pressed his retreat, by affecting to oppose a measure so salutary to the empire, and which could scarcely have been prevented by an army of a hundred thousand men. Envy might suggest to ignorance and pride, that the public enemy had been suffered to escape: but the African and Gothic triumphs are less glorious than this safe and bloodless victory, in which neither fortune, nor the valor of the soldiers, can subtract any part of the general's renown. The second removal of Belisarius from the Persian to the Italian war revealed the extent of his personal merit, which had corrected or supplied the want of discipline and courage. Fifteen generals, without concert or skill, led through the mountains of Armenia an army of thirty thousand Romans, inattentive to their signals, their ranks, and their ensigns. Four thousand Persians, intrenched in the camp of Dubis, vanquished, almost without a combat, this disorderly multitude; their useless arms were scattered along the road, and their horses sunk under the fatigue of their rapid flight. But the Arabs of the Roman party prevailed over their brethren; the Armenians returned to their allegiance; the cities of Dara and Edessa resisted a sudden assault and a regular siege, and the calamities of war were suspended by those of pestilence. A tacit or formal agreement between the two sovereigns protected the tranquillity of the Eastern frontier; and the arms of Chosroes were confined to the Colchian or Lazic war, which has been too minutely described by the historians of the times."

The extreme length of the Euxine Sea" from Constanti-

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"The Lazic war, the contest of Rome and Persia on the Phasis, is telliously spun through many a page of Procopius (Persic. l. ii. c. 15, 17, 28, 29, 30.) Gothic. l. iv. c. 7—16) and Agathias, (l. ii. iii. and iv. p. 55—132, 141.)

"The *Periplus*, or circumnavigation of the Euxine Sea, was described in Latin by Sallust, and in Greek by Arrian: l. The former work, which no longer exists, has been restored by the singular diligence

nople to the mouth of the Phasis, may be computed as a voyage of nine days, and a measure of seven hundred miles. From the Iberian Caucasus, the most lofty and craggy mountains of Asia, that river descends with such oblique vehemence, that in a short space it is traversed by one hundred and twenty bridges. Nor does the stream become placid and navigable, till it reaches the town of Sarapana, five days' journey from the Cyrus, which flows from the same hills, but in a contrary direction to the Caspian Lake. The proximity of these rivers has suggested the practice, or at least the idea, of wafting the precious merchandise of India down the Oxus, over the Caspian, up the Cyrus, and with the current of the Phasis into the Euxine and Mediterranean Seas. As it successively collects the streams of the plain of Colchos, the Phasis moves with diminished speed, though accumulated weight. At the mouth it is sixty fathom deep, and half a league broad, but a small woody island is interposed in the midst of the channel; the water, so soon as it has deposited an earthy or metallic sediment, floats on the surface of the waves, and is no longer susceptible of corruption. In a course of one hundred miles, forty of which are navigable for large vessels, the Phasis divides the celebrated region of Colchos,<sup>66</sup> or Mingrelia,<sup>67</sup> which, on three sides, is fortified by the Iberian

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of M. de Brosses, first president of the parliament of Dijon, (*Hist. de la République Romaine*, tom. ii. l. iii. p. 199—298,) who ventures to assume the character of the Roman historian. His description of the Euxine is ingeniously formed of *all* the fragments of the original, and of *all* the Greeks and Latins whom Sallust might copy, or by whom he might be copied; and the merit of the execution atones for the whimsical design. 2. The *Periplus* of Arrian is addressed to the emperor Hadrian, (in *Geograph. Minor.* Hudson, tom. i.) and contains whatever the governor of Pontus had seen from Trebizond to Dioscurias; whatever he had heard from Dioscurias to the Danube; and whatever he knew from the Danube to Trebizond.

<sup>66</sup> Besides the many occasional hints from the poets, historians &c., of antiquity, we may consult the geographical descriptions of Colchos, by Strabo (l. xi. p. 760—765) and Pliny, (*Hist. Natur.* vi. 5, 19, &c.)

<sup>67</sup> I shall quote, and have used, three modern descriptions of Mingrelia and the adjacent countries. 1. Of the Père Archangeli Lamberti, (*Relations de Thevenot*, part i. p. 31—52, with a map,) who has all the knowledge and prejudices of a missionary. 2. Of Chardia, (*Voyages en Perse*, tom. i. p. 54, 68—168.) His observations are judicious: and his own adventures in the country are still more instructive than his observations. 3. Of Peyssonel, (*Observations sur les Peuples Barbares*, p. 49, 50, 51, 58 62, 64, 65, 71, &c., and a more

and Armenian mountains, and whose maritime coast extends about two hundred miles from the neighborhood of Trebizond to Dioscurias and the confines of Circassia. Both the soil and climate are relaxed by excessive moisture: twenty-eight rivers, besides the Phasis and his dependent streams, convey their waters to the sea; and the hollowness of the ground appears to indicate the subterraneous channels between the Euxine and the Caspian. In the fields where wheat or barley is sown, the earth is too soft to sustain the action of the plough; but the *gom*, a small grain, not unlike the millet or coriander seed, supplies the ordinary food of the people; and the use of bread is confined to the prince and his nobles. Yet the vintage is more plentiful than the harvest; and the bulk of the stems, as well as the quality of the wine, display the unassisted powers of nature. The same powers continually tend to overshadow the face of the country with thick forests; the timber of the hills, and the flax of the plains, contribute to the abundance of naval stores; the wild and tame animals, the horse, the ox, and the hog, are remarkably prolific, and the name of the pheasant is expressive of his native habitation on the banks of the Phasis. The gold mines to the south of Trebizond, which are still worked with sufficient profit, were a subject of national dispute between Justinian and Chosroes; and it is not unreasonable to believe, that a vein of precious metal may be equally diffused through the circle of the hills, although these secret treasures are neglected by the laziness, or concealed by the prudence, of the Mingrelians. The waters, impregnated with particles of gold, are carefully strained through sheep-skins or fleeces; but this expedient, the groundwork perhaps of a marvellous fable, affords a faint image of the wealth extracted from a virgin earth by the power and industry of ancient kings. Their silver palaces and golden chambers surpass our belief; but the fame of their riches is said to have excited the enterprising avarice of the Argonauts.<sup>66</sup> Tradition has affirmed, with

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recent treatise, *Sur le Commerce de la Mer Noire*, tom. ii. p. 1—53.) He had long resided at Caffa, as consul of France; and his erudition is less valuable than his experience.

<sup>66</sup> Pliny, *Hist. Natur.* l. xxxiii. 15. The gold and silver mines of *Malchos* attracted the Argonauts, (*Strab.* l. i. p. 77.) The sagacious *Chardin* could find no gold in mines, rivers, or elsewhere. Yet a Mingrelian lost his hand and foot for showing some specimens at Constantinople of native gold.

some color of reason, that Egypt planted on the Phasis a learned and polite colony," which manufactured linen, built navies, and invented geographical maps. The ingenuity of the moderns has peopled, with flourishing cities and nations, the isthmus between the Euxine and the Caspian;" and a lively writer, observing the resemblance of climate, and, in his apprehension, of trade, has not hesitated to pronounce Colchos the Holland of antiquity.<sup>11</sup>

But the riches of Colchos shine only through the darkness of conjecture or tradition; and its genuine history presents a uniform scene of rudeness and poverty. If one hundred and thirty languages were spoken in the market of Dioscurias," they were the imperfect idioms of so many savage tribes or families, sequestered from each other in the valleys of Mount Caucasus; and their separation, which diminished the importance, must have multiplied the number, of their rustic capitals. In the present state of Mingrelia, a village is an assemblage of huts within a wooden fence; the fortresses are seated in the depths of forests; the princely town of Cyta, or Cotatis, consists of two hundred houses, and a stone edifice appertains only to the magnificence of kings. Twelve ships from Constantinople, and about sixty barks, laden with the fruits of industry, annually cast anchor on the coast; and the list of Colchian exports is much increased, since the natives had only slaves and hides to offer in exchange for the corn and salt which they purchased from the subjects of Justinian. Not a vestige can be found of the art, the knowledge, or the navigation, of the ancient Colchians: few Greeks desired or dared to pursue the footsteps of the Argonauts; and even the marks of an Egyptian colony are lost on a nearer approach. The rite of circumcision is

<sup>10</sup> Herodot. l. ii. c. 104, 106, p. 150, 151. Diodor. Sicul. l. i. p. 38, edit. Weasel. Dionys. Perieget. 689, and Eustath. ad loc. Scholiast ad Apollonium Argonaut. l. iv. 282—291.

<sup>11</sup> Montesquieu, *Esprit des Loix*, l. xxi. c. 6. *L'Isthme . . . couvert de villes et nations qui ne sont plus.*

<sup>12</sup> Bougainville, *Mémoires de l'Académie des Inscriptions*, tom. xxvi. p. 38, on the African voyage of Hanno and the commerce of antiquity.

<sup>13</sup> A Greek historian, Timosthenes, had affirmed, in eam ccc. nationes dissimilibus linguis descendere; and the modest Pliny is content to add, et postea a nostris cxxx. interpretibus negotia ibi gesta, (vi. 5) But the words nunc deserta cover a multitude of past *floriss.*

practised only by the Mahometans of the Euxine; and the curled hair and swarthy complexion of Africa no longer disfigure the most perfect of the human race. It is in the adjacent climates of Georgia, Mingrelia, and Circassia, that nature has placed, at least to our eyes, the model of beauty in the shape of the limbs, the color of the skin, the symmetry of the features, and the expression of the countenance.<sup>73</sup> According to the destination of the two sexes, the men seemed formed for action, the women for love; and the perpetual supply of females from Mount Caucasus has purified the blood, and improved the breed, of the southern nations of Asia. The proper district of Mingrelia, a portion only of the ancient Colchos, has long sustained an exportation of twelve thousand slaves. The number of prisoners or criminals would be inadequate to the annual demand; but the common people are in a state of servitude to their lords; the exercise of fraud or rapine is unpunished in a lawless community; and the market is continually replenished by the abuse of civil and paternal authority. Such a trade,<sup>74</sup> which reduces the human species to the level of cattle, may tend to encourage marriage and population, since the multitude of children enriches their sordid and inhuman parent. But this source of impure wealth must inevitably poison the national manners, obliterate the sense of honor and virtue, and almost extinguish the instincts of nature: the *Christians* of Georgia and Mingrelia are the most dissolute of mankind; and their children, who, in a tender age, are sold into foreign slavery, have already learned to imitate the rapine of the father and the prostitution of the mother. Yet, amidst the rudest ignorance, the untaught natives discover a singular dexterity both of mind and hand; and although the want of union and discipline exposes them to their more powerful neighbors, a bold and intrepid spirit has animated the Colchians of every age. In the host of Xerxes, they served on

<sup>73</sup> Buffon (Hist. Nat. tom. iii. p. 433—437) collects the unanimous suffrage of naturalists and travellers. If, in the time of Herodotus, they were in truth *μεγάλλους* and *δαδότες*, (and he had observed them with care,) this precious fact is an example of the influence of climate on a foreign colony.

<sup>74</sup> The Mingrelian ambassador arrived at Constantinople with two hundred persons: but he ate (*sold*) them day by day, till his retinue was diminished to a secretary and two valets, (Tavernier, tom. i. p. 365.) To purchase his mistress, a Mingrelian gentleman sold twelve priests and his wife to the Turks, (Chardin, tom. i. p. 66.)

foot; and their arms were a dagger or a javelin, a wooden casque, and a buckler of raw hides. But in their own country the use of cavalry has more generally prevailed: the meanest of the peasants disdained to walk; the martial nobles are possessed, perhaps, of two hundred horses; and above five thousand are numbered in the train of the prince of Mingrelia. The Colchian government has been always a pure and hereditary kingdom; and the authority of the sovereign is only restrained by the turbulence of his subjects. Whenever they were obedient, he could lead a numerous army into the field; but some faith is requisite to believe, that the single tribe of the Suanians as composed of two hundred thousand soldiers, or that the population of Mingrelia now amounts to four millions of inhabitants."

It was the boast of the Colchians, that their ancestors had checked the victories of Sesostris; and the defeat of the Egyptian is less incredible than his successful progress as far as the foot of Mount Caucasus. They sunk without any memorable effort, under the arms of Cyrus; followed in distant wars the standard of the great king, and presented him every fifth year with one hundred boys, and as many virgins, the fairest produce of the land.<sup>66</sup> Yet he accepted this *gift* like the gold and ebony of India, the frankincense of the Arabs, or the negroes and ivory of Æthiopia: the Colchians were not subject to the dominion of a satrap, and they continued to enjoy the name as well as substance of national independence.<sup>67</sup> After the fall of the Persian empire, Mithridates, king of Pontus, added Colchos to the wide circle of his dominions on the Euxine; and when the natives presumed to request that his son might reign over them, he bound the ambitious youth in chains of gold, and delegated

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<sup>66</sup> Strabo, l. xi. p. 765. Lamberti, Relation de la Mingrelie. Yet we must avoid the contrary extreme of Chardin, who allows no more than 20,000 inhabitants to supply an annual exportation of 12,000 slaves; an absurdity unworthy of that judicious traveller.

<sup>67</sup> Herodot. l. iii. c. 97. See, in l. vii. c. 79, their arms and service in the expedition of Xerxes against Greece.

<sup>68</sup> Xenophon, who had encountered the Colchians in his retreat, (Anabasis, l. iv. p. 320, 343, 348, edit. Hutchinson; and Foster's Dissertation, p. liii.—lviii, in Spelman's English version, vol. ii.) styles them *αυρόβομοι*. Before the conquest of Mithridates, they are named by Appian *ἔθνος ἀπικυανές*, (de Bell. Mithridatico, c. 15, tom. i. p. 661, of the last and best edition, by John Schweighauser. Lipsæ, 1785. 3 vols. large octavo.)



a servant in his place. In pursuit of Mithridates, the Romans advanced to the banks of the Phasis, and their galleys ascended the river till they reached the camp of Pompey and his legions.<sup>78</sup> But the senate, and afterwards the emperors, disdained to reduce that distant and useless conquest into the form of a province. The family of a Greek rhetorician was permitted to reign in Colchos and the adjacent kingdoms from the time of Mark Antony to that of Nero; and after the race of Polemo<sup>79</sup> was extinct, the eastern Pontus, which preserved his name, extended no farther than the neighborhood of Trebizond. Beyond these limits the fortifications of Hyssus, of Apsarus, of the Phasis, of Diosecurias or Sebastopolis, and of Pityus, were guarded by sufficient detachments of horse and foot; and six princes of Colchos received their diadems from the lieutenants of Cæsar. One of these lieutenants, the eloquent and philosophic Arrian, surveyed, and has described, the Euxine coast, under the reign of Hadrian. The garrison which he reviewed at the mouth of the Phasis consisted of four hundred chosen legionaries; the brick walls and towers, the double ditch, and the military engines on the rampart, rendered this place inaccessible to the Barbarians; but the new suburbs which had been built by the merchants and veterans, required, in the opinion of Arrian, some external defence.<sup>80</sup> As the strength of the empire was gradually impaired, the Romans stationed on the Phasis were neither withdrawn nor expelled; and the tribe of the Lazi,<sup>81</sup>

<sup>78</sup> The conquest of Colchos by Mithridates and Pompey is marked by Appian (*de Bell. Mithridat.*) and Plutarch, (*in Vit. Pomp.*)

<sup>79</sup> We may trace the rise and fall of the family of Polemo, in Strabo, (*l. xi. p. 755, l. xii. p. 867.*) Dion Cassius, or Xiphilin, (*p. 588, 593, 601, 719, 754, 915, 946, edit. Reimar.*) Suetonius, (*in Neron. c. 18, in Vespasian, c. 8.*) Eutropius, (*vii. 14.*) Josephus, (*Antiq. Judaic. l. xx. c. 7, p. 970, edit. Havercamp.*) and Eusebius, (*Chron. with Scaliger, Animadvers. p. 196.*)

<sup>80</sup> In the time of Procopius, there were no Roman forts on the Phasis. Pityus and Sebastopolis were evacuated on the rumour of the Persians, (*Goth. l. iv. c. 4.*;) but the latter was afterwards restored by Justinian, (*de Edif. l. iv. c. 7.*)

<sup>81</sup> In the time of Pliny, Arrian, and Ptolemy, the Lazi were a particular tribe on the northern skirts of Colchos, (*Cellarius, Geograph. Antiq. tom. ii. p. 222.*) In the age of Justinian, they spread, or at least reigned, over the whole country. At present, they have migrated along the coast towards Trebizond, and compose a rude seafaring people, with a peculiar language, (*Chardin, p. 149. Peyssonnel p. 64.*)

whose posterity speak a foreign dialect, and inhabit the sea coast of Trebizond, imposed their name and dominion on the ancient kingdom of Colchos. Their independence was soon invaded by a formidable neighbor, who had acquired, by arms and treaties, the sovereignty of Iberia. The dependent king of Lazica received his sceptre at the hands of the Persian monarch, and the successors of Constantine acquiesced in this injurious claim, which was proudly urged as a right of immemorial prescription. In the beginning of the sixth century, their influence was restored by the introduction of Christianity, which the Mingrelians still profess with becoming zeal, without understanding the doctrines, or observing the precepts, of their religion. After the decease of his father, Zathus was exalted to the regal dignity by the favor of the great king; but the pious youth abhorred the ceremonies of the Magi, and sought, in the palace of Constantinople, an orthodox baptism, a noble wife, and the alliance of the emperor Justin. The king of Lazica was solemnly invested with the diadem, and his cloak and tunic of white silk, with a gold border, displayed, in rich embroidery, the figure of his new patron; who soothed the jealousy of the Persian court, and excused the revolt of Colchos, by the venerable names of hospitality and religion. The common interest of both empires imposed on the Colchians the duty of guarding the passes of Mount Caucasus, where a wall of sixty miles is now defended by the monthly service of the musketeers of Mingrelia.<sup>22</sup>

But this honorable connection was soon corrupted by the avarice and ambition of the Romans. Degraded from the rank of allies, the Lazi were incessantly reminded, by words and actions, of their dependent state. At the distance of a day's journey beyond the Apsarus, they beheld the rising fortress of Petra,<sup>23</sup> which commanded the maritime country

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<sup>22</sup> John Malala, Chron. tom. ii. p. 134—137. Theophanes, p. 144. Hist. Miscell. l. xv. p. 103. The fact is authentic, but the date seems too recent. In speaking of their Persian alliance, the Lazi contemporaries of Justinian employ the most obsolete words—*εν γράμμασι μηδετα σπδγανον*, &c. Could they belong to a connection which had not been dissolved above twenty years?

<sup>23</sup> The sole vestige of Petra subsists in the writings of Procopius and Agathias. Most of the towns and castles of Lazica may be found by comparing their names and position with the map of Mingrelia, in Lamberti.

to the south of the Phasis. Instead of being protected by the valor, Colchos was insulted by the licentiousness, of foreign mercenaries; the benefits of commerce were converted into base and vexatious monopoly; and Gubazes, the native prince, was reduced to a pageant of royalty, by the superior influence of the officers of Justinian. Disappointed in their expectations of Christian virtue, the indignant Lazi reposed some confidence in the justice of an unbeliever. After a private assurance that their ambassadors should not be delivered to the Romans, they publicly solicited the friendship and aid of Chosroes. The sagacious monarch instantly discerned the use and importance of Colchos; and meditated a plan of conquest, which was renewed at the end of a thousand years by Shah Abbas, the wisest and most powerful of his successors.\* His ambition was fired by the hope of launching a Persian navy from the Phasis, of commanding the trade and navigation of the Euxine Sea, of desolating the coast of Pontus and Bithynia, of distressing, perhaps of attacking, Constantinople, and of persuading the Barbarians of Europe to second his arms and counsels against the common enemy of mankind. Under the pretence of a Scythian war, he silently led his troops to the frontiers of Iberia; the Colchian guides were prepared to conduct them through the woods and along the precipices of Mount Caucasus; and a narrow path was laboriously formed into a safe and spacious highway, for the march of cavalry, and even of elephants. Gubazes laid his person and diadem at the feet of the king of Persia; his Colchians imitated the submission of their prince; and after the walls of Petra had been shaken, the Roman garrison prevented, by a capitulation, the impending fury of the last assault. But the Lazi soon discovered, that their impatience had urged them to choose an evil more intolerable than the calamities which they strove to escape. The monopoly of salt and corn was effectually removed by the loss of those valuable commodities. The authority of a Roman legislator, was succeeded by the pride of an Oriental despot, who beheld, with equal disdain, the slaves whom he had exalted, and the

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\* See the amusing letters of Pietro della Valle, the Roman traveller, (*Viaggi*, tom. ii. 207, 209, 213, 215, 266, 286, 300, tom. iii. p. 54, 127.) In the years 1618, 1619, and 1620, he conversed with Shah Abbas, and strongly encouraged a design which might have united Persia and Europe against their common enemy the Turk.

kings whom he had humbled before the footstool of his throne. The adoration of fire was introduced into Colchos by the zeal of the Magi: their intolerant spirit provoked the fervor of a Christian people; and the prejudice of nature or education was wounded by the impious practice of exposing the dead bodies of their parents, on the summit of a lofty tower, to the crows and vultures of the air.\* Conscious of the increasing hatred, which retarded the execution of his great designs, the just Nahirvan had secretly given orders to assassinate the king of the Lazi, to transplant the people into some distant land, and to fix a faithful and warlike colony on the banks of the Phasis. The watchful jealousy of the Colchians foresaw and averted the approaching ruin. Their repentance was accepted at Constantinople by the prudence, rather than clemency, of Justinian; and he commanded Dagisteus, with seven thousand Romans, and one thousand of the Zani,\* to expel the Persians from the coast of the Euxine.

The siege of Petra, which the Roman general, with the aid of the Lazi, immediately undertook, is one of the most remarkable actions of the age. The city was seated on a craggy rock, which hung over the sea, and communicated by a steep and narrow path with the land. Since the approach was difficult, the attack might be deemed impossible: the Persian conqueror had strengthened the fortifications of Justinian; and the places least inaccessible were covered by additional bulwarks. In this important fortress, the vigilance of Chosroes had deposited a magazine of offensive and defensive arms, sufficient for five times the number, not only of the garrison, but of the besiegers themselves. The stock of flour and salt provisions was adequate to the consumption of five years; the want of wine was supplied by vinegar; and of grain from whence a strong liquor was extracted, and a triple aqueduct eluded the diligence, and even the suspicions, of

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\* See Herodotus, (l. i. c. 140, p. 69,) who speaks with diffidence, Larcher, (tom. i. p. 399—401, Notes sur Herodote,) Procopius, (Persic. l. i. c. 11,) and Agathias, (l. ii. p. 61, 62.) This practice, agreeable to the Zendavesta, (Hyde, de Relig. Pers. c. 34, p. 414—421,) demonstrates that the burial of the Persian kings, (Xenophon, Cyropæd. l. viii. p. 658,) *τί γὰρ τοῦτον μακροτέρου τοῦ τῇ γῇ μυχθῆναι*, is a Greek fiction, and that their tombs could be no more than *cenotaphs*.

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\* These seem the same people called Suanians, p. 329.—M.

the enemy. But the firmest defence of Petra was placed in the valor of fifteen hundred Persians, who resisted the assaults of the Romans, whilst, in a softer vein of earth, a mine was secretly perforated. The wall, supported by slender and temporary props, hung tottering in the air; but Dagistaeus delayed the attack till he had secured a specific recompense; and the town was relieved before the return of his messenger from Constantinople. The Persian garrison was reduced to four hundred men, of whom no more than fifty were exempt from sickness or wounds; yet such had been their inflexible perseverance, that they concealed their losses from the enemy, by enduring, without a murmur, the sight and putrefying stench of the dead bodies of their eleven hundred companions. After their deliverance, the breaches were hastily stopped with sand-bags; the mine was replenished with earth; a new wall was erected on a frame of substantial timber; and a fresh garrison of three thousand men was stationed at Petra to sustain the labors of a second siege. The operations, both of the attack and defence, were conducted with skilful obstinacy; and each party derived useful lessons from the experience of their past faults. A battering-ram was invented, of light construction and powerful effect: it was transported and worked by the hands of forty soldiers; and as the stones were loosened by its repeated strokes, they were torn with long iron hooks from the wall. From those walls, a shower of darts was incessantly poured on the heads of the assailants; but they were most dangerously annoyed by a fiery composition of sulphur and bitumen, which in Colchos might with some propriety be named the oil of Medea. Of six thousand Romans who mounted the scaling-ladders, their general Bessas was the first, a gallant veteran of seventy years of age: the courage of their leader, his fall, and extreme danger, animated the irresistible effort of his troops; and their prevailing numbers oppressed the strength, without subduing the spirit, of the Persian garrison. The fate of these valiant men deserves to be more distinctly noticed. Seven hundred had perished in the siege, two thousand three hundred survived to defend the breach. One thousand and seventy were destroyed with fire and sword in the last assault; and if seven hundred and thirty were made prisoners, only eighteen among them were found without the marks of honorable wounds. The remaining five hundred escaped into the citadel, which they maintained without any hopes of relief, rejecting the fairest terms

of capitulation and service, till they were lost in the flames. They died in obedience to the commands of their prince; and such examples of loyalty and valor might excite their countrymen to deeds of equal despair and more prosperous event. The instant demolition of the works of Petra confessed the astonishment and apprehension of the conqueror.

A Spartan would have praised and pitied the virtue of these heroic slaves; but the tedious warfare and alternate success of the Roman and Persian arms cannot detain the attention of posterity at the foot of Mount Caucasus. The advantages obtained by the troops of Justinian were more frequent and splendid; but the forces of the great king were continually supplied, till they amounted to eight elephants and seventy thousand men, including twelve thousand Scythian allies, and above three thousand Dilemites, who descended by their free choice from the hills of Hyrcania, and were equally formidable in close or in distant combat. The siege of Archæopolis, a name imposed or corrupted by the Greeks, was raised with some loss and precipitation; but the Persians occupied the passes of Iberia: Colchos was enslaved by their forts and garrisons; they devoured the scanty sustenance of the people; and the prince of the Lazi fled into the mountains. In the Roman camp, faith and discipline were unknown; and the independent leaders, who were invested with equal power, disputed with each other the preëminence of vice and corruption. The Persians followed, without a murmur, the commands of a single chief, who implicitly obeyed the instructions of their supreme lord. Their general was distinguished among the heroes of the East by his wisdom in council, and his valor in the field. The advanced age of Mermeroes, and the lameness of both his feet, could not diminish the activity of his mind, or even of his body; and, whilst he was carried in a litter in the front of battle, he inspired terror to the enemy, and a just confidence to the troops, who, under his banners, were always successful. After his death, the command devolved to Nacoragan, a proud satrap, who, in a conference with the Imperial chiefs, had presumed to declare that he disposed of victory as absolutely as of the ring on his finger. Such presumption was the natural cause and forerunner of a shameful defeat. The Romans had been gradually repulsed to the edge of the sea-shore; and their last camp, on the ruins of the Grecian colony of Phasis, was defended on all sides by strong intrenchments, the river, the Euxine, and a

fleet of galleys. Despair united their counsels and invigorated their arms: they withstood the assault of the Persians and the flight of Nacoragan preceded or followed the slaughter of ten thousand of his bravest soldiers. He escaped from the Romans to fall into the hands of an unforgiving master who severely chastised the error of his own choice: the unfortunate general was flayed alive, and his skin, stuffed into the human form, was exposed on a mountain; a dreadful warning to those who might hereafter be intrusted with the fame and fortune of Persia.\* Yet the prudence of Chosroes insensibly relinquished the prosecution of the Colchian war, in the just persuasion, that it is impossible to reduce, or, at least, to hold a distant country against the wishes and efforts of its inhabitants. The fidelity of Gubazes sustained the most rigorous trials. He patiently endured the hardships of a savage life, and rejected with disdain, the specious temptations of the Persian court.\* The king of the Lazi had been educated in the Christian religion; his mother was the daughter of a senator; during his youth he had served ten years a silentary of the Byzantine palace," and the arrears of an unpaid salary were a motive of attachment as well as of complaint. But the long continuance of his sufferings extorted from him a naked representation of the truth; and truth was an unpardonable libel on the lieutenants of Justinian, who, amidst the delays of a ruinous war, had spared his enemies and trampled on his allies. Their malicious information persuaded the emperor that his faithless vassal already meditated a second defection: an order was surprised to send him prisoner to Constantinople; a treacherous clause was inserted, that he might be lawfully killed in case of resistance; and Gubazes, without arms, or suspicion of danger,

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\* The punishment of flaying alive could not be introduced into Persia by Sapor, (Brisson, de Regn. Pers. l. ii. p. 578,) nor could it be copied from the foolish tale of Marsyas, the Phrygian piper, most foolishly quoted as a precedent by Agathias, (l. iv. p. 132, 133.)

\* In the palace of Constantinople there were thirty silentaries, who were styled *hastati*, ante fores cubiculi, *τῆς αἰῶνς ἐνιστράται*, an honorable title which conferred the rank, without imposing the duties, of a senator, (Cod. Theodos. l. vi. tit. 23. Gothofred. Comment. tom. ii. p. 129.)

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\* According to Agathias, the death of Gubazes preceded the defeat of Nacoragan. The trial took place after the battle.—M.

was stabbed in the security of a friendly interview. In the first moments of rage and despair, the Colchians would have sacrificed their country and religion to the gratification of revenge. But the authority and eloquence of the wiser few obtained a salutary pause: the victory of the Phasis restored the terror of the Roman arms, and the emperor was solicitous to absolve his own name from the imputation of so foul a murder. A judge of senatorial rank was commissioned to enquire into the conduct and death of the king of the Lazi. He ascended a stately tribunal, encompassed by the ministers of justice and punishment: in the presence of both nations, this extraordinary cause was pleaded, according to the forms of civil jurisprudence, and some satisfaction was granted to an injured people, by the sentence and execution of the meaner criminals.\*\*

In peace, the king of Persia continually sought the pretences of a rupture: but no sooner had he taken up arms, than he expressed his desire of a safe and honorable treaty. During the fiercest hostilities, the two monarchs entertained a deceitful negotiation; and such was the superiority of Chosroes, that whilst he treated the Roman ministers with insolence and contempt, he obtained the most unprecedented honors for his own ambassadors at the Imperial court. The successor of Cyrus assumed the majesty of the Eastern sun, and graciously permitted his younger brother Justinian to reign over the West, with the pale and reflected splendor of the moon. This gigantic style was supported by the pomp and eloquence of Isdigune, one of the royal chamberlains. His wife and daughters, with a train of eunuchs and camels, attended the march of the ambassador: two satraps with golden diadems were numbered among his followers: he was guarded by five hundred horse, the most valiant of the Persians; and the Roman governor of Dara wisely refused to admit more than twenty of this martial and hostile caravan.

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\*\* On these judicial orations, Agathias (l. iii. p. 81—89, l. iv. p. 108—119) lavishes eighteen or twenty pages of false and florid rhetoric. His ignorance or carelessness overlooks the strongest argument against the king of Lazica—his former revolt.\*

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\* The Orations in the third book of Agathias are not judicial, nor delivered before the Roman tribunal: it is a deliberative debate among the Colchians on the expediency of adhering to the Roman, or embracing the Persian alliance.--M.



When Isdigune had saluted the emperor, and delivered his presents, he passed ten months at Constantinople without discussing any serious affairs. Instead of being confined to his palace, and receiving food and water from the hands of his keepers, the Persian ambassador, without spies or guards, was allowed to visit the capital; and the freedom of conversation and trade enjoyed by his domestics, offended the prejudices of an age which rigorously practised the law of nations, without confidence or courtesy.\* By an unexampled indulgence, his interpreter, a servant below the notice of a Roman magistrate, was seated, at the table of Justinian, by the side of his master: and one thousand pounds of gold might be assigned for the expense of his journey and entertainment. Yet the repeated labors of Isdigune could procure only a partial and imperfect truce, which was always purchased with the treasures, and renewed at the solicitation, of the Byzantine court. Many years of fruitless desolation elapsed before Justinian and Chosroes were compelled, by mutual lassitude, to consult the repose of their declining age. At a conference held on the frontier, each party, without expecting to gain credit, displayed the power, the justice, and the pacific intentions, of their respective sovereigns; but necessity and interest dictated the treaty of peace, which was concluded for a term of fifty years, diligently composed in the Greek and Persian languages, and attested by the seals of twelve interpreters. The liberty of commerce and religion was fixed and defined; the allies of the emperor and the great king were included in the same benefits and obligations; and the most scrupulous precautions were provided to prevent or determine the accidental disputes that might arise on the confines of two hostile nations. After twenty years of destructive though feeble war, the limits still remained without alteration; and Chosroes was persuaded to renounce his dangerous claim to the possession or sovereignty of Colchos and its dependent states. Rich in the accumulated treasures of the East, he extorted from the Romans an annual payment of thirty thousand pieces of gold; and the smallness of the sum revealed the disgrace of a

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\* Procopius represents the practice of the Gothic court of Ravenna, (Goth. l. i. c. 7;) and foreign ambassadors have been treated with the same jealousy and rigor in Turkey, (Busbequius, epist. iii. p. 149, 142, &c.,) Russia, (Voyage D'Olearius,) and China, (Narrative of A. Lange, in Bell's Travels, vol. ii. p. 189—311.)

tribute in its naked deformity. In a previous debate, the chariot of Sesostris, and the wheel of fortune, were applied by one of the ministers of Justinian, who observed that the reduction of Antioch, and some Syrian cities, had elevated beyond measure the vain and ambitious spirit of the Barbarian. "You are mistaken," replied the modest Persian: "the king of kings, the lord of mankind, looks down with contempt on such petty acquisitions; and of the ten nations, vanquished by his invincible arms, he esteems the Romans as the least formidable."<sup>20</sup> According to the Orientals, the empire of Nushirvan extended from Ferganah, in Transoxiana, to Yemen or Arabia Fælix. He subdued the rebels of Hyrcania, reduced the provinces of Cabul and Zablestan on the banks of the Indus, broke the power of the Euthalites, terminated by an honorable treaty the Turkish war, and admitted the daughter of the great khan into the number of his lawful wives. Victorious and respected among the princes of Asia, he gave audience, in his palace of Madain, or Ctesiphon, to the ambassadors of the world. Their gifts or tributes, arms, rich garments, gems, slaves or aromatics, were humbly presented at the foot of his throne; and he condescended to accept from the king of India ten quintals of the wood of aloes, a maid seven cubits in height, and a carpet softer than silk, the skin, as it was reported, of an extraordinary serpent.<sup>21</sup>

Justinian had been reproached for his alliance with the Ethiopians, as if he attempted to introduce a people of savage negroes into the system of civilized society. But the friends of the Roman empire, the Axumites, or Abyssinians, may be always distinguished from the original natives of Africa.<sup>22</sup> The hand of nature has flattened the noses of the negroes, covered their heads with shaggy wool, and tinged their skin with inherent and indelible blackness. But the olive complexion of the Abyssinians, their hair, shape, and

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<sup>20</sup> The negotiations and treaties between Justinian and Chosroes are copiously explained by Procopius, (*Persic.* l. ii. c. 10, 13, 26, 27, 28, *Gothic.* l. ii. c. 11, 15,) Agathias, (*l. iv.* p. 141, 142,) and Menander, (*in Excerpt. Legat.* p. 132—147.) Consult Barbeyrac, *Hist. des Anciens Traités*, tom. ii. p. 154, 181—184, 193—200.

<sup>21</sup> D'Herbelot, *Bibliot. Orient.* p. 680, 681, 264, 295.

<sup>22</sup> See Buffon, *Hist. Naturelle*, tom. iii. p. 449. This Arab cast of features and complexion, which has continued 3400 years (*Ludolph. Hist. et Comment. Æthiop.* l. i. c. 4) in the colony of Abyssinia,

was unanimously offered to the brave Uraias; and it was in his eyes alone that the disgrace of his uncle Vitiges could appear as a reason of exclusion. His voice inclined the election in favor of Hildibald, whose personal merit was recommended by the vain hope that his kinsman Theudes, the Spanish monarch, would support the common interest of the Gothic nation. The success of his arms in Liguria and Venetia seemed to justify their choice; but he soon declared to the world that he was incapable of forgiving or commanding his benefactor. The consort of Hildibald was deeply wounded by the beauty, the riches, and the pride, of the wife of Uraias; and the death of that virtuous patriot excited the indignation of a free people. A bold assassin executed their sentence by striking off the head of Hildibald in the midst of a banquet; the Rugians, a foreign tribe, assumed the privilege of election: and Totila,\* the nephew of the late king, was tempted, by revenge, to deliver himself and the garrison of Trevigo into the hands of the Romans. But the gallant and accomplished youth was easily persuaded to prefer the Gothic throne before the service of Justinian; and as soon as the palace of Pavia had been purified from the Rugian usurper, he reviewed the national force of five thousand soldiers, and generously undertook the restoration of the kingdom of Italy.

The successors of Belisarius, eleven generals of equal rank, neglected to crush the feeble and disunited Goths, till they were roused to action by the progress of Totila and the reproaches of Justinian. The gates of Verona were secretly opened to Artabazus, at the head of one hundred Persians in the service of the empire. The Goths fled from the city. At the distance of sixty furlongs the Roman generals halted to regulate the division of the spoil. While they disputed, the enemy discovered the real number of the victors: the Persians were instantly overpowered, and it was by leaping from the wall that Artabazus preserved a life which he lost in a few days by the lance of a Barbarian, who had defied him to single combat. Twenty thousand Romans encountered the forces of Totila, near Faenza, and on the hills of Mugello, of the Florentine territory. The ardor of freedmen, who fought

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\* His real name, as appears by medals, was Baduilla, or Badiula. Totila signifies immortal: tod (in German) is death. Todilas, deathless. Compare St. Martin, vol. ix. p. 37.—M.

to regain their country, was opposed to the languid temper of mercenary troops, who were even destitute of the merits of strong and well-disciplined servitude. On the first attack, they abandoned their ensigns, threw down their arms, and dispersed on all sides with an active speed, which abated the loss, whilst it aggravated the shame, of their defeat. The king of the Goths, who blushed for the baseness of his enemies, pursued with rapid steps the path of honor and victory. Totila passed the Po,\* traversed the Apennine, suspended the important conquest of Ravenna, Florence, and Rome, and marched through the heart of Italy, to form the siege or rather the blockade, of Naples. The Roman chiefs, imprisoned in their respective cities, and accusing each other of the common disgrace, did not presume to disturb his enterprise. But the emperor, alarmed by the distress and danger of his Italian conquests, despatched to the relief of Naples a fleet of galleys and a body of Thracian and Armenian soldiers. They landed in Sicily, which yielded its copious stores of provisions; but the delays of the new commander, an unwarlike magistrate, protracted the sufferings of the besieged; and the succors, which he dropped with a timid and tardy hand, were successively intercepted by the armed vessels stationed by Totila in the Bay of Naples. The principal officer of the Romans was dragged, with a rope round his neck, to the foot of the wall, from whence, with a trembling voice, he exhorted the citizens to implore, like himself, the mercy of the conqueror. They requested a truce, with a promise of surrendering the city, if no effectual relief should appear at the end of thirty days. Instead of *one* month, the audacious Barbarian granted them *three*, in the just confidence that famine would anticipate the term of their capitulation. After the reduction of Naples and Cumæ, the provinces of Lucania, Apulia, and Calabria, submitted to the king of the Goths. Totila led his army to the gates of Rome, pitched his camp at Tibur, or Tivoli, within twenty miles of the capital, and calmly exhorted the senate and people to compare the tyranny of the Greeks with the blessings of the Gothic reign.

The rapid success of Totila may be partly ascribed to the revolution which three years' experience had produced in the sentiments of the Italians. At the command, or at least in

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\* This is not quite correct: he had crossed the Po before the battle of Faenza.—M.

the name, of a Catholic emperor, the pope,<sup>7</sup> their spiritual father, had been torn from the Roman church, and either starved or murdered on a desolate island.<sup>8</sup> The virtues of Belisarius were replaced by the various or uniform vices of eleven chiefs, at Rome, Ravenna, Florence, Perugia, Spoleto, &c., who abused their authority for the indulgence of lust or avarice. The improvement of the revenue was committed to Alexander, a subtle scribe, long practised in the fraud and oppression of the Byzantine schools, and whose name of *Psalliction*, the *scissors*,<sup>9</sup> was drawn from the dexterous artifice with which he reduced the size without defacing the figure, of the gold coin. Instead of expecting the restoration of peace and industry, he imposed a heavy assessment on the fortunes of the Italians. Yet his present or future demands were less odious than a prosecution of arbitrary rigor against the persons and property of all those who, under the Gothic kings, had been concerned in the receipt and expenditure of the public money. The subjects of Justinian, who escaped these partial vexations, were oppressed by the irregular maintenance of the soldiers, whom Alexander defrauded and despised; and their hasty sallies in quest of wealth, or subsistence, provoked the inhabitants of the country to await or implore their deliverance from the virtues of a Barbarian. Totila<sup>10</sup> was chaste and temperate; and none were deceived, either friends or enemies, who depended on his faith or his clemency. To the husbandmen of Italy the Gothic king issued a welcome proclamation, enjoining them to pursue their important labors, and to rest assured, that, on the payment of the ordinary taxes, they should be defended by his valor and discipline from the injuries of war. The strong

<sup>7</sup> Sylvester, bishop of Rome, was first transported to Patara, in Lycia, and at length starved (*sub eorum custodia inedia confectus*) in the Isle of Palmaria, A. D. 538, June 20, (*Liberat. in Breviar. c. 22. Anastasius, in Sylverio. Baronius, A. D. 540, No. 2, 3. Pagi, in Vit. Pont. tom. i. p. 285, 286.*) Procopius (*Anecdot. c. 1*) accuses only the empress and Antonina.

<sup>8</sup> Palmaria, a small island, opposite to Terracina and the coast of the Volsci, (*Cluver. Ital. Antiq. l. iii. c. 7, p. 1014.*)

<sup>9</sup> As the Logothete Alexander, and most of his civil and military colleagues, were either disgraced or despised, the ink of the *Anecdotes* (c. 4, 5, 18) is scarcely blacker than that of the *Gothic History* (l. iii. c. 1, 3, 4, 9, 20, 21, &c.)

<sup>10</sup> Procopius (l. iii. c. 2, 8, &c.) does ample and willing justice to the merit of Totila. The Roman historians, from Sallust and Tacitus were happy to forget the vices of their countrymen in the contemplation of Barbaric virtue.

towns he successively attacked; and as soon as they had yielded to his arms, he demolished the fortifications, to save the people from the calamities of a future siege, to deprive the Romans of the arts of defence, and to decide the tedious quarrel of the two nations, by an equal and honorable conflict in the field of battle. The Roman captives and deserters were tempted to enlist in the service of a liberal and courteous adversary; the slaves were attracted by the firm and faithful promise, that they should never be delivered to their masters; and from the thousand warriors of Pavia, a new people, under the same appellation of Goths, was insensibly formed in the camp of Totila. He sincerely accomplished the articles of capitulation, without seeking or accepting any sinister advantage from ambiguous expressions or unforeseen events: the garrison of Naples had stipulated that they should be transported by sea; the obstinacy of the winds prevented their voyage, but they were generously supplied with horses, provisions, and a safe-conduct to the gates of Rome. The wives of the senators, who had been surprised in the villas of Campania, were restored, without a ransom, to their husbands; the violation of female chastity was inexorably chastised with death; and in the salutary regulation of the edict of the famished Neapolitans, the conqueror assumed the office of a humane and attentive physician. The virtues of Totila are equally laudable, whether they proceeded from true policy, religious principle, or the instinct of humanity: he often harangued his troops; and it was his constant theme, that national vice and ruin are inseparably connected; that victory is the fruit of moral as well as military virtue; and that the prince, and even the people, are responsible for the crimes which they neglect to punish.

The return of Belisarius to save the country which he had subdued, was pressed with equal vehemence by his friends and enemies; and the Gothic war was imposed as a trust or an exile on the veteran commander. A hero on the banks of the Euphrates, a slave in the palace of Constantinople, he accepted with reluctance the painful task of supporting his own reputation, and retrieving the faults of his successors. The sea was open to the Romans: the ships and soldiers were assembled at Salona, near the palace of Diocletian: he refreshed and reviewed his troops at Pola in Istria, coasted round the head of the Adriatic, entered the port of Ravenna, and despatched orders rather than supplies to the subordinate

cities. His first public oration was addressed to the Goths and Romans, in the name of the emperor, who had suspended for a while the conquest of Persia, and listened to the prayers of his Italian subjects. He gently touched on the causes and the authors of the recent disasters; striving to remove the fear of punishment for the past, and the hope of impunity for the future, and laboring, with more zeal than success, to unite all the members of his government in a firm league of affection and obedience. Justinian, his gracious master, was inclined to pardon and reward; and it was their interest, as well as duty, to reclaim their deluded brethren, who had been seduced by the arts of the usurper. Not a man was tempted to desert the standard of the Gothic king. Belisarius soon discovered, that he was sent to remain the idle and impotent spectator of the glory of a young Barbarian; and his own epistle exhibits a genuine and lively picture of the distress of a noble mind. "Most excellent prince, we are arrived in Italy, destitute of all the necessary implements of war, men, horses, arms, and money. In our late circuit through the villages of Thrace and Illyricum, we have collected, with extreme difficulty, about four thousand recruits, naked, and unskilled in the use of weapons and the exercises of the camp. The soldiers already stationed in the provinces are discontented, fearful, and dismayed; at the sound of an enemy, they dismiss their horses, and cast their arms on the ground. No taxes can be raised, since Italy is in the hands of the Barbarians; the failure of payment has deprived us of the right of command, or even of admonition. Be assured, dread Sir, that the greater part of your troops have already deserted to the Goths. If the war could be achieved by the presence of Belisarius alone, your wishes are satisfied; Belisarius is in the midst of Italy. But if you desire to conquer, far other preparations are requisite: without a military force, the title of general is an empty name. It would be expedient to restore to my service my own veteran and domestic guards. Before I can take the field, I must receive an adequate supply of light and heavy armed troops; and it is only with ready money that you can procure the indispensable aid of a powerful body of the cavalry of the Huns."<sup>11</sup> An officer in

<sup>11</sup> Procopius, l. iii. c. 12. The soul of a hero is deeply impressed on the letter; nor can we confound such genuine and original acts with the elaborate and often empty speeches of the Byzantine historians.

whom Belisarius confided was sent from Ravenna to hasten and conduct the succors; but the message was neglected, and the messenger was detained at Constantinople by an advantageous marriage. After his patience had been exhausted by delay and disappointment, the Roman general repassed the Adriatic, and expected at Dyrrachium the arrival of the troops, which were slowly assembled among the subjects and allies of the empire. His powers were still inadequate to the deliverance of Rome, which was closely besieged by the Gothic king. The Appian way, a march of forty days, was covered by the Barbarians; and as the prudence of Belisarius declined a battle, he preferred the safe and speedy navigation of five days from the coast of Epirus to the mouth of the Tyber.

After reducing, by force, or treaty, the towns of inferior note in the midland provinces of Italy, Totila proceeded, not to assault, but to encompass and starve, the ancient capital. Rome was afflicted by the avarice, and guarded by the valor, of Bessas, a veteran chief of Gothic extraction, who filled, with a garrison of three thousand soldiers, the spacious circle of her venerable walls. From the distress of the people he extracted a profitable trade, and secretly rejoiced in the continuance of the siege. It was for his use that the granaries had been replenished: the charity of Pope Vigilius had purchased and embarked an ample supply of Sicilian corn; but the vessels which escaped the Barbarians were seized by a rapacious governor, who imparted a scanty sustenance to the soldiers, and sold the remainder to the wealthy Romans. The medimnus, or fifth part of the quarter of wheat, was exchanged for seven pieces of gold; fifty pieces were given for an ox, a rare and accidental prize; the progress of famine enhanced this exorbitant value, and the mercenaries were tempted to deprive themselves of the allowance which was scarcely sufficient for the support of life. A tasteless and unwholesome mixture, in which the bran thrice exceeded the quantity of flour, appeased the hunger of the poor; they were gradually reduced to feed on dead horses, dogs, cats, and mice, and eagerly to snatch the grass, and even the nettles, which grew among the ruins of the city. A crowd of spectres, pale and emaciated, their bodies oppressed with disease, and their minds with despair, surrounded the palace of the governor, urged, with unavailing truth, that it was the duty of a master to maintain his slaves, and numbly requested that



he would provide for their subsistence, to permit their flight, or command their immediate execution. Bessas replied, with unfeeling tranquillity, that it was impossible to feed, unsafe to dismiss, and unlawful to kill, the subjects of the emperor. Yet the example of a private citizen might have shown his countrymen that a tyrant cannot withhold the privilege of death. Pierced by the cries of five children, who vainly called on their father for bread, he ordered them to follow his steps, advanced with calm and silent despair to one of the bridges of the Tyber, and, covering his face, threw himself headlong into the stream, in the presence of his family and the Roman people. To the rich and pusillanimous, Bessas<sup>12</sup> sold the permission of departure; but the greatest part of the fugitives expired on the public highways, or were intercepted by the flying parties of Barbarians. In the mean while, the artful governor soothed the discontent, and revived the hopes of the Romans, by the vague reports of the fleets and armies which were hastening to their relief from the extremities of the East. They derived more rational comfort from the assurance that Belisarius had landed at the *port*; and, without numbering his forces, they firmly relied on the humanity, the courage, and the skill of their great deliverer.

The foresight of Totila had raised obstacles worthy of such an antagonist. Ninety furlongs below the city, in the narrowest part of the river, he joined the two banks by strong and solid timbers in the form of a bridge, on which he erected two lofty towers, manned by the bravest of his Goths, and profusely stored with missile weapons and engines of offence. The approach of the bridge and towers was covered by a strong and massy chain of iron; and the chain, at either end, on the opposite sides of the Tyber, was defended by a numerous and chosen detachment of archers. But the enterprise of forcing these barriers, and relieving the capital, displays a shining example of the boldness and conduct of Belisarius. His cavalry advanced from the port along the public road, to awe the motions, and distract the attention of

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<sup>12</sup> The avarice of Bessas is not dissembled by Procopius, (l. iii. c. 17, 20.) He expiated the loss of Rome by the glorious conquest of Petrua, (Goth. l. iv. c. 12;) but the same vices followed him from the Tyber to the Phasis, (c. 13;) and the historian is equally true to the merits and defects of his character. The chastisement which the author of the romance of *Belisaire* has inflicted on the oppressor of Rome is more agreeable to justice than to history.

the enemy. His infantry and provisions were distributed in two hundred large boats; and each boat was shielded by a high rampart of thick planks, pierced with many small holes for the discharge of missile weapons. In the front, two large vessels were linked together to sustain a floating castle, which commanded the towers of the bridge, and contained a magazine of fire, sulphur, and bitumen. The whole fleet, which the general led in person, was laboriously moved against the current of the river. The chain yielded to their weight, and the enemies who guarded the banks were either slain or scattered. As soon as they touched the principal barrier, the fire-ship was instantly grappled to the bridge; one of the towers, with two hundred Goths, was consumed by the flames; the assailants shouted victory; and Rome was saved, if the wisdom of Belisarius had not been defeated by the misconduct of his officers. He had previously sent orders to Bessas to second his operations by a timely sally from the town; and he had fixed his lieutenant, Isaac, by a peremptory command, to the station of the port. But avarice rendered Bessas immovable; while the youthful ardor of Isaac delivered him into the hands of a superior enemy. The exaggerated rumor of his defeat was hastily carried to the ears of Belisarius: he paused; betrayed in that single moment of his life some emotions of surprise and perplexity; and reluctantly sounded a retreat to save his wife Antonina, his treasures, and the only harbor which he possessed on the Tuscan coast. The vexation of his mind produced an ardent and almost mortal fever; and Rome was left without protection to the mercy or indignation of Totila. The continuance of hostilities had imbittered the national hatred: the Arian clergy was ignominiously driven from Rome; Pelagius, the archdeacon, returned without success from an embassy to the Gothic camp; and a Sicilian bishop, the envoy or nuncio of the pope, was deprived of both his hands, for daring to utter falsehoods in the service of the church and state.

Famine had relaxed the strength and discipline of the garrison of Rome. They could derive no effectual service from a dying people; and the inhuman avarice of the merchant at length absorbed the vigilance of the governor. Four Isaurian sentinels, while their companions slept, and their officers were absent, descended by a rope from the wall, and secretly proposed to the Gothic king to introduce his troops into the city. The offer was entertained with cold-

ness and suspicion; they returned in safety; they twice repeated their visit; the place was twice examined; the conspiracy was known and disregarded; and no sooner had Totila consented to the attempt, than they unbarred the Asinarian gate, and gave admittance to the Goths. Till the dawn of day, they halted in order of battle, apprehensive of treachery or ambush; but the troops of Bessas, with their leader, had already escaped; and when the king was pressed to disturb their retreat, he prudently replied, that no sight could be more grateful than that of a flying enemy. The patricians, who were still possessed of horses, Decius, Basilus, &c., accompanied the governor; their brethren, among whom Olybrius, Orestes, and Maximus, are named by the historian, took refuge in the church of St. Peter: but the assertion, that only five hundred persons remained in the capital, inspires some doubt of the fidelity either of his narrative or of his text. As soon as daylight had displayed the entire victory of the Goths, their monarch devoutly visited the tomb of the prince of the apostles; but while he prayed at the altar, twenty-five soldiers, and sixty citizens, were put to the sword in the vestibule of the temple. The archdeacon Pelagius<sup>18</sup> stood before him, with the Gospels in his hand. "O Lord, be merciful to your servant." "Pelagius," said Totila, with an insulting smile, "your pride now condescends to become a suppliant." "I *am* a suppliant," replied the prudent archdeacon; "God has now made us your subjects, and as your subjects, we are entitled to your clemency." At his humble prayer, the lives of the Romans were spared; and the chastity of the maids and matrons was preserved inviolate from the passions of the hungry soldiers. But they were rewarded by the freedom of pillage, after the most precious spoils had been reserved for the royal treasury. The houses of the senators were plentifully stored with gold and silver; and the avarice of Bessas had labored with so much guilt and shame for the benefit of the conqueror. In this revolution, the sons and daughters of Roman consuls

<sup>18</sup> During the long exile, and after the death of Vigilius, the Roman church was governed, at first by the archdeacon, and at length (A. D. 555) by the pope Pelagius, who was not thought guiltless of the sufferings of his predecessor. See the original lives of the popes under the name of Anastasius, (Muratori, Script. Rer. Italicarum, tom. iii. P. i. p. 130, 131.) who relates several curious incidents of the sieges of Rome and the wars of Italy.

tasted the misery which they had spurned or relieved, wandered in tattered garments through the streets of the city and begged their bread, perhaps without success, before the gates of their hereditary mansions. The riches of Rusticana, the daughter of Symmachus and widow of Boethius, had been generously devoted to alleviate the calamities of famine. But the Barbarians were exasperated by the report, that she had prompted the people to overthrow the statues of the great Theodoric; and the life of that venerable matron would have been sacrificed to his memory, if Totila had not respected her birth, her virtues, and even the pious motive of her revenge. The next day he pronounced two orations, to congratulate and admonish his victorious Goths, and to reproach the senate, as the vilest of slaves, with their perjury, folly, and ingratitude; sternly declaring, that their estates and honors were justly forfeited to the companions of his arms. Yet he consented to forgive their revolt; and the senators repaid his clemency by despatching circular letters to their tenants and vassals in the provinces of Italy, strictly to enjoin them to desert the standard of the Greeks, to cultivate their lands in peace, and to learn from their masters the duty of obedience to a Gothic sovereign. Against the city which had so long delayed the course of his victories, he appeared inexorable: one third of the walls, in different parts, were demolished by his command; fire and engines prepared to consume or subvert the most stately works of antiquity; and the world was astonished by the fatal decree, that Rome should be changed into a pasture for cattle. The firm and temperate remonstrance of Belisarius suspended the execution; he warned the Barbarian not to sully his fame by the destruction of those monuments which were the glory of the dead, and the delight of the living; and Totila was persuaded, by the advice of an enemy, to preserve Rome as the ornament of his kingdom, or the fairest pledge of peace and reconciliation. When he had signified to the ambassadors of Belisarius his intention of sparing the city, he stationed an army at the distance of one hundred and twenty furlongs, to observe the motions of the Roman general. With the remainder of his forces he marched into Lucania and Apulia, and occupied on the summit of Mount Garganus<sup>14</sup> one of the

<sup>14</sup> Mount Garganus, now Monte St. Angelo, in the kingdom of Naples, runs three hundred stadia into the Adriatic Sea, (Strab. . vi. p.

camps of Hannibal.<sup>16</sup> The senators were dragged in his train, and afterwards confined in the fortresses of Campania: the citizens, with their wives and children, were dispersed in exile; and during forty days Rome was abandoned to desolate and dreary solitude.<sup>17</sup>

The loss of Rome was speedily retrieved by an action, to which, according to the event, the public opinion would apply the names of rashness or heroism. After the departure of Totila, the Roman general sallied from the port at the head of a thousand horse, cut in pieces the enemy who opposed his progress, and visited with pity and reverence the vacant space of the *eternal city*. Resolved to maintain a station so conspicuous in the eyes of mankind, he summoned the greatest part of his troops to the standard which he erected on the Capitol: the old inhabitants were recalled by the love of their country and the hopes of food; and the keys of Rome were sent a second time to the emperor Justinian. The walls, as far as they had been demolished by the Goths, were repaired with rude and dissimilar materials; the ditch was restored; iron spikes<sup>17</sup> were profusely scattered in the highways to annoy the feet of the horses; and as new gates could not suddenly be procured, the entrance was guarded by a Spartan rampart of his bravest soldiers. At the expiration of twenty-five days, Totila returned by hasty marches from Apulia to avenge the injury and disgrace. Belisarius expected his approach. The Goths were thrice repulsed in three general assaults; they lost the flower of their troops; the royal

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486,) and in the darker ages was illustrated by the apparition, miracles, and church, of St. Michael the archangel. Horace, a native of Apulia or Lucania, had seen the elms and oaks of Garganus laboring and bellowing with the north wind that blew on that lofty coast, (*Carm. ii. 9, Epist. ii. i. 201.*)

<sup>16</sup> I cannot ascertain this particular camp of Hannibal; but the Punic quarters were long and often in the neighborhood of Arpi, (*T. Liv. xxii. 9, 12, xxiv. 8, &c.*)

<sup>17</sup> Totila . . . . Romam ingreditur . . . . ac evertit muros, domos aliquantas igni comburens, ac omnes Romanorum res in prædam accepit, hos ipsos Romanos in Campaniam captivos abduxit. Postquam devastationem, xl. autamp lius dies, Roma fuit ita desolata, ut nemo ibi hominum, nisi (*nullæ?*) bestiae morarentur, (*Marcellin. in Chron. p. 54.*)

<sup>17</sup> The *tribuli* are small engines with four spikes, one fixed in the ground, the three others erect or adverse, (*Procopius, Gothic. l. iii. c. 24. Just. Lipsius, Poliorcetow, l. v. c. 3.*) The metaphor was borrowed from the tribuli, (*land-caltrops*), an herb with a prickly fruit, common in Italy, (*Martin, ad Virgil. Georgic. i. 158 vol. ii. p. 33.*)

standard had almost fallen into the hands of the enemy, and the fame of Totila sunk, as it had risen, with the fortune of his arms. Whatever skill and courage could achieve, had been performed by the Roman general: it remained only that Justinian should terminate, by a strong and seasonable effort, the war which he had ambitiously undertaken. The indolence, perhaps the impotence, of a prince who despised his enemies, and envied his servants, protracted the calamities of Italy. After a long silence, Belisarius was commanded to leave a sufficient garrison at Rome, and to transport himself into the province of Lucania, whose inhabitants, inflamed by Catholic zeal, had cast away the yoke of their Arian conquerors. In this ignoble warfare, the hero, invincible against the power of the Barbarians, was basely vanquished by the delay, the disobedience, and the cowardice of his own officers. He reposed in his winter quarters of Crotona, in the full assurance, that the two passes of the Lucanian hills were guarded by his cavalry. They were betrayed by treachery or weakness; and the rapid march of the Goths scarcely allowed time for the escape of Belisarius to the coast of Sicily. At length a fleet and army were assembled for the relief of Ruscianum, or Rossano,<sup>18</sup> a fortress sixty furlongs from the ruins of Sybaris, where the nobles of Lucania had taken refuge. In the first attempt, the Roman forces were dissipated by a storm. In the second, they approached the shore; but they saw the hills covered with archers, the landing-place defended by a line of spears, and the king of the Goths impatient for battle. The conqueror of Italy retired with a sigh, and continued to languish, inglorious and inactive, till Antonina, who had been sent to Constantinople to solicit succors, obtained, after the death of the empress, the permission of his return.

The five last campaigns of Belisarius might abate the envy of his competitors, whose eyes had been dazzled and wounded by the blaze of his former glory. Instead of delivering Italy from the Goths, he had wandered like a fugitive along the coast, without daring to march into the country, or to accept the bold and repeated challenge of Totila. Yet, in the judgment of the few who could discriminate counsels from events,

<sup>18</sup> Ruscia, the *navale Thuriorum*, was transferred to the distance of sixty stadia to Ruscianum, Rossano, an archbishopric without suffragane. The republic of Sybaris is now the estate of the duke of Corigliano. (Riedesel, Travels into Magna Græcia and Sicily, p. 166—171.)

and compare the instruments with the execution, he appeared a more consummate master of the art of war, than in the season of his prosperity, when he presented two captive kings before the throne of Justinian. The valor of Belisarius was not chilled by age: his prudence was matured by experience; but the moral virtues of humanity and justice seem to have yielded to the hard necessity of the times. The parsimony or poverty of the emperor compelled him to deviate from the rule of conduct which had deserved the love and confidence of the Italians. The war was maintained by the oppression of Ravenna, Sicily, and all the faithful subjects of the empire; and the rigorous prosecution of Herodian provoked that injured or guilty officer to deliver Spoleto into the hands of the enemy. The avarice of Antonina, which had been some times diverted by love, now reigned without a rival in her breast. Belisarius himself had always understood, that riches, in a corrupt age, are the support and ornament of personal merit. And it cannot be presumed that he should stain his honor for the public service, without applying a part of the spoil to his private emolument. The hero had escaped the sword of the Barbarians. But the dagger of conspiracy<sup>19</sup> awaited his return. In the midst of wealth and honors, Artaban, who had chastised the African tyrant, complained of the ingratitude of courts. He aspired to Præjecta, the emperor's niece, who wished to reward her deliverer; but the impediment of his previous marriage was asserted by the piety of Theodora. The pride of royal descent was irritated by flattery; and the service in which he gloried had proved him capable of bold and sanguinary deeds. The death of Justinian was resolved, but the conspirators delayed the execution till they could surprise Belisarius disarmed, and naked, in the palace of Constantinople. Not a hope could be entertained of shaking his long-tried fidelity; and they justly dreaded the revenge, or rather the justice, of the veteran general, who might speedily assemble an army in Thrace to punish the assassins, and perhaps to enjoy the fruits of their crime. Delay afforded time for rash communications and honest confessions: Artaban and his accomplices were condemned by the senate, but the extreme clemency of Justinian detained them in the gentle confinement of the palace, till he pardoned

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<sup>19</sup> This conspiracy is related by Procopius (Gothic. l. iii. c. 31, 32) with such freedom and candor, that the liberty of the *Anecdotes* gives him nothing to add.

their flagitious attempt against his throne and life. If the emperor forgave his enemies, he must cordially embrace a friend whose victories were alone remembered, and who was endeared to his prince by the recent circumstances of their common danger. Belisarius reposed from his toils, in the high station of general of the East and count of the domestics; and the older consuls and patricians respectfully yielded the precedence of rank to the peerless merit of the first of the Romans.<sup>20</sup> The first of the Romans still submitted to be the slave of his wife; but the servitude of habit and affection became less disgraceful when the death of Theodora had removed the baser influence of fear. Joannina, their daughter, and the sole heiress of their fortunes, was betrothed to Anastasius, the grandson, or rather the nephew, of the empress,<sup>21</sup> whose kind interposition forwarded the consummation of their youthful loves. But the power of Theodora expired, the parents of Joannina returned, and her honor, perhaps her happiness, were sacrificed to the revenge of an unfeeling mother, who dissolved the imperfect nuptials before they had been ratified by the ceremonies of the church.<sup>22</sup>

Before the departure of Belisarius, Perugia was besieged, and few cities were impregnable to the Gothic arms. Ravenna, Ancona, and Crotona, still resisted the Barbarians; and when Totila asked in marriage one of the daughters of

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<sup>20</sup> The honors of Belisarius are gladly commemorated by his secretary, (Procop. Goth. l. iii. c. 35, l. iv. c. 21.) This title of *Ἐργαστής* is ill translated, at least in this instance, by præfectus prætorio; and to a military character, magister militum is more proper and applicable, (Ducange, Gloss. Græc. p. 1458, 1459.)

<sup>21</sup> Alemannus, (ad Hist. Arcanum, p. 68,) Ducange, (Familie Byzant. p. 98,) and Heineccius, (Hist. Juris Civilis, p. 434,) all three represent Anastasius as the son of the daughter of Theodora; and their opinion firmly reposes on the unambiguous testimony of Procopius, (Anecdotes, c. 4, 5,—*θυγατρίδι* twice repeated.) And yet I will remark, 1. That in the year 547, Theodora could scarcely have a grandson of the age of puberty; 2. That we are totally ignorant of this daughter and her husband; and, 3. That Theodora concealed her bastards, and that her grandson by Justinian would have been heir apparent of the empire.

<sup>22</sup> The *ἁμαρτήματα*, or sins, of the hero in Italy and after his return, are manifested *ἀπαράκαλπτως*, and most probably swelled, by the author of the Anecdotes, (c. 4, 5.) The designs of Antonina were favored by the fluctuating jurisprudence of Justinian. On the law of marriage and divorce, that emperor was *trocho versatilior*, (Heineccius, Element. Juris Civil. ad Ordinem Pandect. P. iv. No. 233.)



France, he was stung by the just reproach that the king of Italy was unworthy of his title till it was acknowledged by the Roman people. Three thousand of the bravest soldiers had been left to defend the capital. On the suspicion of a monopoly, they massacred the governor, and announced to Justinian, by a deputation of the clergy, that unless their offence was pardoned, and their arrears were satisfied, they should instantly accept the tempting offers of Totila. But the officer who succeeded to the command (his name was Diogenes) deserved their esteem and confidence; and the Goths, instead of finding an easy conquest, encountered a vigorous resistance from the soldiers and people, who patiently endured the loss of the port and of all maritime supplies. The siege of Rome would perhaps have been raised, if the liberality of Totila to the Isaurians had not encouraged some of their venal countrymen to copy the example of treason. In a dark night, while the Gothic trumpets sounded on another side, they silently opened the gate of St. Paul: the Barbarians rushed into the city; and the flying garrison was intercepted before they could reach the harbor of Centumcellæ. A soldier trained in the school of Belisarius, Paul of Cilicia, retired with four hundred men to the mole of Hadrian. They repelled the Goths; but they felt the approach of famine; and their aversion to the taste of horse-flesh confirmed their resolution to risk the event of a desperate and decisive sally. But their spirit insensibly stooped to the offers of capitulation; they retrieved their arrears of pay, and preserved their arms and horses, by enlisting in the service of Totila; their chiefs, who pleaded a laudable attachment to their wives and children in the East, were dismissed with honor; and above four hundred enemies, who had taken refuge in the sanctuaries, were saved by the clemency of the victor. He no longer entertained a wish of destroying the edifices of Rome,<sup>33</sup> which he now respected as the seat of the Gothic kingdom: the senate and people were restored to their country; the means of subsistence were liberally provided; and Totila, in the robe of peace, exhibited

<sup>33</sup> The Romans were still attached to the monuments of their ancestors; and according to Procopius, (Goth. l. iv. c. 22.) the gallery of *Aeneas*, of a single rank of oars, 25 feet in breadth, 120 in length, was preserved entire in the *navalia*, near Monte Testaceo, at the foot of the Aventine, (Nardini, *Roma Antica*, l. vii. c. 9, p. 466. Donatus, *Roma Antiqua*, l. iv. c. 13, p. 334.) But all antiquity is ignorant of this relic.

the equestrian games of the circus. Whilst he amused the eyes of the multitude, four hundred vessels were prepared for the embarkation of his troops. The cities of Rhegium and Tarentum were reduced: he passed into Sicily, the object of his implacable resentment; and the island was stripped of its gold and silver, of the fruits of the earth, and of an infinite number of horses, sheep, and oxen. Sardinia and Corsica obeyed the fortune of Italy; and the sea-coast of Greece was visited by a fleet of three hundred galleys.<sup>44</sup> The Goths were landed in Corcyra and the ancient continent of Epirus; they advanced as far as Nicopolis, the trophy of Augustus, and Dodona,<sup>45</sup> once famous by the oracle of Jove. In every step of his victories, the wise Barbarian repeated to Justinian the desire of peace, applauded the concord of their predecessors, and offered to employ the Gothic arms in the service of the empire.

Justinian was deaf to the voice of peace: but he neglected the prosecution of war; and the indolence of his temper disappointed, in some degree, the obstinacy of his passions. From this salutary slumber the emperor was awakened by the pope Vigilius and the patrician Cethegus, who appeared before his throne, and adjured him, in the name of God and the people, to resume the conquest and deliverance of Italy. In the choice of the generals, caprice, as well as judgment, was shown. A fleet and army sailed for the relief of Sicily, under the conduct of Liberius; but his youth† and want of

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<sup>44</sup> In these seas Procopius searched without success for the Isle of Calypso. He was shown, at Phæacia, or Cocyra, the petrified ship of Ulysses, (Odys. xiii. 163;) but he found it a recent fabric of many stones, dedicated by a merchant to Jupiter Cassius, (l. iv. c. 22.) Eustathius had supposed it to be the fanciful likeness of a rock.

<sup>45</sup> M. D'Anville (*Mémoires de l'Acad. tom. xxxii. p. 513—528*) illustrates the Gulf of Ambracia; but he cannot ascertain the situation of Dodona. A country in sight of Italy is less known than the wilds of America.\*

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\* On the site of Dodona compare Walpole's Travels in the East, vol. ii. p. 473; Col. Leake's Northern Greece, vol. iv. p. 163; and a dissertation by the present bishop of Lichfield (Dr. Butler) in the appendix to Hughes's Travels, vol. i. p. 511.—M.

† This is a singular mistake. Procopius calls him *εὐχαραρίστος*. Gibbon must have hastily caught at his inexperience, and concluded that it must have been from youth. Lord Mahon has pointed out this error, p. 401. I should add that in the last 4to. edition, corrected by Gibbon, it stands "want of youth and experience;"—but Gibbon can scarcely have intended such a phrase.—M.

Before Lucca had surrendered, Italy was overwhelmed by a new deluge of Barbarians. A feeble youth, the grandson of Clovis, reigned over the Austrasians or oriental Franks. The guardians of Theodebald entertained with coldness and reluctance the magnificent promises of the Gothic ambassadors. But the spirit of a martial people outstripped the timid counsels of the court: two brothers, Lothaire and Buccelin,<sup>46</sup> the dukes of the Alemanni, stood forth as the leaders of the Italian war; and seventy-five thousand Germans descended in the autumn from the Rætian Alps into the plain of Milan. The vanguard of the Roman army was stationed near the Po, under the conduct of Fulcaris, a bold Herulian, who rashly conceived that personal bravery was the sole duty and merit of a commander. As he marched without order or precaution along the Æmilian way, an ambuscade of Franks suddenly rose from the amphitheatre of Parma; his troops were surprised and routed; but their leader refused to fly; declaring to the last moment, that death was less terrible than the angry countenance of Narses.\* The death of Fulcaris, and the retreat of the surviving chiefs, decided the fluctuating and rebellious temper of the Goths; they flew to the standard of their deliverers, and admitted them into the cities which still resisted the arms of the Roman general. The conqueror of Italy opened a free passage to the irresistible torrent of Barbarians. They passed under the walls of Cesena, and answered by threats and reproaches the advice of Aligern,† that the Gothic treasures could no longer repay the labor of an invasion. Two thousand Franks were destroyed by the skill and valor of Narses himself, who sailed from Rimini at the head of three hundred horse, to chastise the licentious rapine of their march. On the confines of Samnium the two brothers divided their forces. With the right wing, Buccelin assumed the spoil of Campania, Lucania, and Brutium; with the left, Lothaire accepted the plunder of Apulia and Calabria. They followed the coast of the Mediterranean and the

<sup>46</sup> Among the fabulous exploits of Buccelin, he discomfited and slew Belisarius, subdued Italy and *Sicily*, &c. See in the *Historians of France*, Gregory of Tours, (tom. ii. l. iii. c. 32, p. 208,) and Aimoin, (tom. iii. l. ii. de *Gestis Francorum*, c. 23, p. 59.)

\* . . . τὴν γλῶτταν Ναρσὺν μεμφομένην μοι τῆς ἀβουλίας. Agathias.

† Aligern, after the surrender of Cumæ, had been sent to Cesena by Narses. Agathias.—M.

Adriatic, as far as Rhegium and Otranto, and the extreme lands of Italy were the term of their destructive progress. The Franks, who were Christians and Catholics, contented themselves with simple pillage and occasional murder. But the churches which their piety had spared, were stripped by the sacrilegious hands of the Alamanni, who sacrificed horses' heads to their native deities of the woods and rivers;\* they melted or profaned the consecrated vessels, and the ruins of shrines and altars were stained with the blood of the faithful. Buccelin was actuated by ambition, and Lothaire by avarice. The former aspired to restore the Gothic kingdom; the latter, after a promise to his brother of speedy succors, returned by the same road to deposit his treasure beyond the Alps. The strength of their armies was already wasted by the change of climate and contagion of disease: the Germans revelled in the vintage of Italy; and their own intemperance avenged, in some degree, the miseries of a defenceless people.\*

At the entrance of the spring, the Imperial troops, who had guarded the cities, assembled, to the number of eighteen thousand men, in the neighborhood of Rome. Their winter hours had not been consumed in idleness. By the command, and after the example, of Narses, they repeated each day their military exercise on foot and on horseback, accustomed their ear to obey the sound of the trumpet, and practised the steps and evolutions of the Pyrrhic dance. From the Straits of Sicily, Buccelin, with thirty thousand Franks and Alamanni, slowly moved towards Capua, occupied with a wooden tower the bridge of Casilinum, covered his right by the stream of the Vulturnus, and secured the rest of his encampment by a rampart of sharp stakes, and a circle of wagons, whose wheels were buried in the earth. He impatiently expected the return of Lothaire; ignorant, alas! that his brother could never

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\* Agathias notices their superstition in a philosophic tone, (l. i. p. 18.) At Zug, in Switzerland, idolatry still prevailed in the year 613: St. Columban and St. Gaul were the apostles of that rude country; and the latter founded a hermitage, which has swelled into an ecclesiastical principality and a populous city, the seat of freedom and commerce.

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\* A body of Lothaire's troops was defeated near Fano, some were driven down precipices into the sea, others fled to the camp; many prisoners seized the opportunity of making their escape; and the Barbarians lost most of their booty in their precipitate retreat. Agathias.—M.

fidence of Justinian; or the leader of a victorious army awed and repressed the ingratitude of a timid court. Yet it was not by weak and mischievous indulgence that Narses secured the attachment of his troops. Forgetful of the past, and regardless of the future, they abused the present hour of prosperity and peace. The cities of Italy resounded with the noise of drinking and dancing; the spoils of victory were wasted in sensual pleasures; and nothing (says Agathias) remained unless to exchange their shields and helmets for the soft lute and the capacious hogshead.<sup>44</sup> In a manly oration, not unworthy of a Roman censor, the eunuch reproved these disorderly vices, which sullied their fame, and endangered their safety. The soldiers blushed and obeyed; discipline was confirmed; the fortifications were restored; a duke was stationed for the defence and military command of each of the principal cities;<sup>45</sup> and the eye of Narses pervaded the ample prospect from Calabria to the Alps. The remains of the Gothic nation evacuated the country, or mingled with the people; the Franks, instead of revenging the death of Buccelin, abandoned, without a struggle, their Italian conquests; and the rebellious Sinbal, chief of the Heruli, was subdued, taken and hung on a lofty gallows by the inflexible justice of the exarch.<sup>46</sup> The civil state of Italy, after the agitation of a long tempest, was fixed by a pragmatic sanction, which the emperor promulgated at the request of the pope. Justinian introduced his own jurisprudence into the schools and tribunals of the West; he ratified the acts of Theodoric and his immediate successors, but every deed was rescinded and abolished which force had extorted, or fear had subscribed, under the usurpation of Totila. A moderate theory was framed to reconcile the rights of property with the safety of prescription, the claims of the state with the poverty of the people, and the

<sup>44</sup> Ἐδείκνυτο γὰρ, οἶμαι, αὐτοῖς ἐπὶ ἀβελτηρίας τὰς δυνάμεις τοὺς καὶ τὰ πρᾶν ἀποφωρέως οἶνον καὶ βαρβίτον ἀποδόσθαι, (Agathias, l. ii. p. 48.) In the first scene of Richard III. our English poet has beautifully enlarged on this idea, for which, however, he was not indebted to the Byzantine historian.

<sup>45</sup> Maffei has proved, (Verona Illustrata. P. i. l. x. p. 257, 289,) against the common opinion, that the dukes of Italy were instituted before the conquest of the Lombards, by Narses himself. In the Pragmatic Sanction, (No. 23,) Justinian restrains the *judices militares*.

<sup>46</sup> See Paulus Diaconus, liii. c. 2, p. 776. Menander in (Excerpt Legat. p. 133) mentions some risings in Italy by the Franks, and Theophanes (p. 201) hints at some Gothic rebellions.

pardon of offences with the interest of virtue and order of society. Under the exarchs of Ravenna, Rome was degraded to the second rank. Yet the senators were gratified by the permission of visiting their estates in Italy, and of approaching, without obstacle, the throne of Constantinople: the regulation of weights and measures was delegated to the pope and senate; and the salaries of lawyers and physicians, of orators and grammarians, were destined to preserve, or rekindle, the light of science in the ancient capital. Justinian might dictate benevolent edicts," and Narses might second his wishes by the restoration of cities, and more especially of churches. But the power of kings is most effectual to destroy; and the twenty years of the Gothic war had consummated the distress and depopulation of Italy. As early as the fourth campaign, under the discipline of Belisarius himself, fifty thousand laborers died of hunger" in the narrow region of Picenum;" and a strict interpretation of the evidence of Procopius would swell the loss of Italy above the total sum of her present inhabitants."

I desire to believe, but I dare not affirm, that Belisarius sincerely rejoiced in the triumph of Narses. Yet the consciousness of his own exploits might teach him to esteem without jealousy the merit of a rival; and the repose of the

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" The Pragmatic Sanction of Justinian, which restores and regulates the civil state of Italy, consists of xxvii. articles: it is dated August 16, A. D. 554; is addressed to Narses, V. J. *Præpositus Sacri Cubiculi*, and to Antiochus, *Præfectus Prætorio Italiae*; and has been preserved by Julian Antecessor, and in the *Corpus Juris Civilis*, after the novels and edicts of Justinian, Justin, and Tiberius.

" A still greater number was consumed by famine in the southern provinces, without (*ἔκτος*) the Ionian Gulf. Acorns were used in the place of bread. Procopius had seen a deserted orphan suckled by a she-goat. Seventeen passengers were lodged, murdered, and eaten, by two women, who were detected and slain by the eighteenth, &c."

" Quinta regio Piceni est; quondam uberrimæ multitudinis, ccclx. millia Picentium in fidem P. R. venere, (Plin. *Hist. Natur.* iii. 18.) In the time of Vespasian, this ancient population was already diminished.

" Perhaps fifteen or sixteen millions. Procopius (*Anecdot.* c. 18) computes that Africa lost five millions, that Italy was thrice as extensive, and that the depopulation was in a larger proportion. But his reckoning is inflamed by passion, and clouded with uncertainty.

Denina considers that greater evil was inflicted upon Italy by the Grecian conquest than by any other invasion. *Rev. l'az. d' Italia*, t. i. l. v p 247.—M.

aged warrior was crowned by a last victory, which saved the emperor and the capital. The Barbarians, who annually visited the provinces of Europe, were less discouraged by some accidental defeats, than they were excited by the double hope of spoil and of subsidy. In the thirty-second winter of Justinian's reign, the Danube was deeply frozen: Zabergan led the cavalry of the Bulgarians, and his standard was followed by a promiscuous multitude of Sclavonians.\* The savage chief passed, without opposition, the river and the mountains, spread his troops over Macedonia and Thrace, and advanced with no more than seven thousand horse to the long wall, which should have defended the territory of Constantinople. But the works of man are impotent against the assaults of nature: a recent earthquake had shaken the foundations of the wall; and the forces of the empire were employed on the distant frontiers of Italy, Africa, and Persia. The seven *schools*,<sup>†</sup> or companies of the guards or domestic troops, had been augmented to the number of five thousand five hundred men, whose ordinary station was in the peaceful cities of Asia. But the places of the brave Armenians were insensibly supplied by lazy citizens, who purchased an exemption from the duties of civil life, without being exposed to the dangers of military service. Of such soldiers, few could be tempted to sally from the gates; and none could be persuaded to remain in the field, unless they wanted strength and speed to escape from the Bulgarians. The report of the fugitives exaggerated the numbers and fierceness of an enemy, who had polluted holy virgins, and abandoned new-born infants to the dogs and vultures; a crowd of rustics, imploring food and protection, increased the consternation of the city, and the tents of Zabergan were pitched at the distance of twenty miles,<sup>‡</sup> on the

\* In the decay of these military schools, the satire of Procopius (*Anecdot.* c. 24, *Aleman.* p. 102, 103) is confirmed and illustrated by Agathias, (*l. v.* p. 159,) who cannot be rejected as a hostile witness.

† The distance from Constantinople to Melanthias, *Villa Cesariana*, (*Ammian. Marcellin.* xxx. 11.) is variously fixed at 102 or 140 stadia, (*Suidas*, tom. ii. p. 522, 523. *Agathias*, *l. v.* p. 158,) or xviii. or xix. miles, (*Itineraria*, p. 138, 230, 323, 332, and *Wesseling's Observations*.) The first xii. miles, as far as Rhegium, were paved by Justinian, who built a bridge over a morass or gullet between a lake and the sea, (*Procop. de Edif.* l. iv. c. 8.)

‡ Zabergan was king of the Cutrigours, a tribe of Huns, who were neither Bulgarians nor Sclavonians. *St. Martin*, vol. ix. p. 408—420.—M

banks of a small river, which encircles Melanthis, and afterwards falls into the Propontis." Justinian trembled: and those who had only seen the emperor in his old age, were pleased to suppose, that he had *lost* the alacrity and vigor of his youth. By his command the vessels of gold and silver were removed from the churches in the neighborhood, and even the suburbs, of Constantinople; the ramparts were lined with trembling spectators; the golden gate was crowded with useless generals and tribunes, and the senate shared the fatigues and the apprehensions of the populace.

But the eyes of the prince and people were directed to a feeble veteran, who was compelled by the public danger to resume the armor in which he had entered Carthage and defended Rome. The horses of the royal stables, of private citizens, and even of the circus, were hastily collected; the emulation of the old and young was roused by the name of Belisarius, and his first encampment was in the presence of a victorious enemy. His prudence, and the labor of the friendly peasants, secured, with a ditch and rampart, the repose of the night; innumerable fires, and clouds of dust, were artfully contrived to magnify the opinion of his strength; his soldiers suddenly passed from despondency to presumption; and, while ten thousand voices demanded the battle, Belisarius dissembled his knowledge, that in the hour of trial he must depend on the firmness of three hundred veterans. The next morning the Bulgarian cavalry advanced to the charge. But they heard the shouts of multitudes, they beheld the arms and discipline of the front; they were assaulted on the flanks by two ambuscades which rose from the woods; their foremost warriors fell by the hand of the aged hero and his guards; and the swiftness of their evolutions was rendered useless by the close attack and rapid pursuit of the Romans. In this action (so speedy was their flight) the Bulgarians lost only four hundred horse; but Constantinople was saved; and Zabergan, who felt the hand of a master, withdrew to a respectful distance. But his friends were numerous in the councils of the emperor, and Belisarius obeyed with reluctance the commands of envy and Justinian, which forbade him to

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<sup>22</sup> The Atyras, (Pompon. Mela, l. ii. c. 2, p. 169, edit. Voss.) At the river's mouth, a town or castle of the same name was fortified by Justinian, (Procop. de Edif. l. iv. c. 2. Itinerar. p. 570, and Wesseling.)



achieve the deliverance of his country. On his return to the city, the people, still conscious of their danger, accompanied his triumph with acclamations of joy and gratitude, which were imputed as a crime to the victorious general. But when he entered the palace, the courtiers were silent, and the emperor, after a cold and thankless embrace, dismissed him to mingle with the train of slaves. Yet so deep was the impression of his glory on the minds of men, that Justinian, in the seventy-seventh year of his age, was encouraged to advance near forty miles from the capital, and to inspect in person the restoration of the long wall. The Bulgarians wasted the summer in the plains of Thrace; but they were inclined to peace by the failure of their rash attempts on Greece and the Chersonesus. A menace of killing their prisoners quickened the payment of heavy ransoms; and the departure of Zabergan was hastened by the report, that double-prowed vessels were built on the Danube to intercept his passage. The danger was soon forgotten; and a vain question, whether their sovereign had shown more wisdom or weakness, amused the idleness of the city.<sup>44</sup>

About two years after the last victory of Belisarius, the emperor returned from a Thracian journey of health, or business, or devotion. Justinian was afflicted by a pain in his head; and his private entry countenanced the rumor of his death. Before the third hour of the day, the bakers' shops were plundered of their bread, the houses were shut, and every citizen, with hope or terror, prepared for the impending tumult. The senators themselves, fearful and suspicious, were convened at the ninth hour; and the præfect received their commands to visit every quarter of the city, and proclaim a general illumination for the recovery of the emperor's health. The ferment subsided; but every accident betrayed the impotence of the government, and the factious temper of the people: the guards were disposed to mutiny as often as their quarters were changed, or their pay was withheld: the frequent calamities of fires and earthquakes afforded the opportunities of disorder; the disputes of the blues and greens, of the orthodox and heretics, degenerated into bloody battles; and, in the presence of the Persian ambassador, Justinian b'ushed

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<sup>44</sup> The Bulgarian war, and the last victory of Belisarius, are imperfectly represented in the prolix declamation of Agathias. (l. 5, f. 164—174.) and the dry Chronicle of Theophanes, (p. 197 198.)

for himself and for his subjects. Capricious pardon and arbitrary punishment imbibited the irksomeness, and discontent of a long reign: a conspiracy was formed in the palace; and, unless we are deceived by the names of Marcellus and Sergius, the most virtuous and the most profligate of the courtiers were associated in the same designs. They had fixed the time of the execution; their rank gave them access to the royal banquet; and their black slaves<sup>66</sup> were stationed in the vestibule and porticos, to announce the death of the tyrant, and to excite a sedition in the capital. But the indiscretion of an accomplice saved the poor remnant of the days of Justinian. The conspirators were detected and seized, with daggers hidden under their garments: Marcellus died by his own hand, and Sergius was dragged from the sanctuary.<sup>67</sup> Pressed by remorse, or tempted by the hopes of safety, he accused two officers of the household of Belisarius; and torture forced them to declare that they had acted according to the secret instructions of their patron.<sup>68</sup> Posterity will not hastily believe that a hero who, in the vigor of life, had disdained the fairest offers of ambition and revenge, should stoop to the murder of his prince, whom he could not long expect to survive. His followers were impatient to fly; but flight must have been supported by rebellion, and he had lived enough for nature and for glory. Belisarius appeared before the council with less fear than indignation: after forty years' service, the emperor had prejudged his guilt; and injustice was sanctified by the presence and authority of the patriarch. The life of Belisarius was graciously spared; but his fortunes were sequestered, and, from December to July, he was guarded as a prisoner in his own palace. At length his inno-

<sup>66</sup> *Indovs*. They could scarcely be real Indians; and the *Æthiopi*ans, sometimes known by that name, were never used by the ancients as guards or followers: they were the trifling, though costly objects of female and royal luxury, (Terent. *Eunuch*. act. i. scene ii. Sueton. in August. c. 83, with a good note of Casaubon, in Caligula, c. 57.)

<sup>67</sup> The \* Sergius (Vandal. l. ii. c. 21, 22, Anecd. c. 5) and Marcellus (Goth. l. iii. c. 32) are mentioned by Procopius. See Theophanes, p. 197, 201.

<sup>68</sup> Alemannus, (p. 3) quotes an old Byzantian MS., which has been printed in the *Imperium Orientale* of Banduri.

\* Some words, "the acts of," or "the crimes of," appear to have fallen from the text. The omission is in all the editions I have consulted.—M.

cance was acknowledged; his freedom and honors were restored; and death, which might be hastened by resentment and grief, removed him from the world in about eight months after his deliverance. The name of Belisarius can never die: but instead of the funeral, the monuments, the statues, so justly due to his memory, I only read, that his treasures, the spoils of the Goths and Vandals, were immediately confiscated by the emperor. Some decent portion was reserved, however for the use of his widow: and as Antonina had much to repent, she devoted the last remains of her life and fortune to the foundation of a convent. Such is the simple and genuine narrative of the fall of Belisarius and the ingratitude of Justinian.\* That he was deprived of his eyes, and reduced by envy to beg his bread,\* "Give a penny to Belisarius the general!" is a fiction of later times,\*\* which has obtained credit, or rather favor, as a strange example of the vicissitudes of fortune."

\* Of the disgrace and restoration of Belisarius, the genuine original record is preserved in the Fragment of John Malala (tom. ii. p. 234—243) and the exact Chronicle of Theophanes, (p. 194—204.) Cedrenus (Compend. p. 387, 388) and Zonaras (tom. ii. l. xiv. p. 69) seem to hesitate between the obsolete truth and the growing falsehood.

\*\* The source of this idle fable may be derived from a miscellaneous work of the xiith century, the Chiliads of John Tzetzes, a monk, (Basil. 1546, ad calcem Lycophront. Colon. Allobrog. 1614, in Corp. Poet. Græc.) He relates the blindness and beggary of Belisarius in ten vulgar or *political* verses, (Chiliad iii. No. 88, 339—348, in Corp. Poet. Græc. tom. ii. p. 311.)

Ἐκπωμα ζέλινον κρατῶν, ἰβδα τῷ μυγίῳ,  
Βελισαρίῳ ἄβδλδν δάρε τῷ στρατηλάτῃ  
Ὅντιν' ἔχῃ μὲν ἰδέσασιν, ἀπορφλοῖ δ' ὁ φθίνους.

This moral or romantic tale was imported into Italy with the language and manuscripts of Greece; repeated before the end of the xvth century by Crinitus, Pontanus, and Volaterranus, attacked by Aldiat, for the honor of the law; and defended by Baronius, (A. D. 561, No. 2, &c.) for the honor of the church. Yet Tzetzes himself had read in *other* chronicles, that Belisarius did not lose his sight, and that he recovered his fame and fortunes.

† The statue in the villa Borghese at Rome, in a sitting posture,

\* Le Beau, following Alemannus, conceives that Belisarius was confounded with John of Cappadocia, who was thus reduced to beggary, (vol. ix. p. 58, 449.) Lord Mahon has, with considerable learning, and on the authority of a yet unquoted writer of the xith century, endeavored to reestablish the old tradition. I cannot acknowledge that I have been convinced, and am inclined to subscribe to the theory of Le Beau.—M.

† I know not where Gibbon found Tzetzes to be a monk; I suppose he considered his bad verses a proof of his monachism. Compare the *preface* of Gerbelius in Kiesling's edition of Tzetzes.—M.

If the emperor could rejoice in the death of Belisarius, he enjoyed the base satisfaction only eight months, the last period of a reign of thirty-eight years, and a life of eighty-three years. It would be difficult to trace the character of a prince who is not the most conspicuous object of his own times: but the confessions of an enemy may be received as the safest evidence of his virtues. The resemblance of Justinian to the bust of Domitian, is maliciously urged;<sup>11</sup> with the acknowledgment, however, of a well-proportioned figure, a ruddy complexion, and a pleasing countenance. The emperor was easy of access, patient of hearing, courteous and affable in discourse, and a master of the angry passions which rage with such destructive violence in the breast of a despot. Procopius praises his temper, to reproach him with calm and deliberate cruelty: but in the conspiracies which attacked his authority and person, a more candid judge will approve the justice, or admire the clemency, of Justinian. He excelled in the private virtues of chastity and temperance: but the impartial love of beauty would have been less mischievous than his conjugal tenderness for Theodora; and his abstemious diet was regulated, not by the prudence of a philosopher, but the superstition of a monk. His repasts were short and frugal: on solemn fasts, he contented himself with water and vegetables; and such was his strength, as well as fervor, that he frequently passed two days, and as many nights, without tasting any food. The measure of his sleep was not less rigorous: after the repose of a single hour, the body was awakened by the soul, and, to the astonishment of his chamberlain, Justinian walked or studied till the morning light. Such restless application prolonged his time for the

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with an open hand, which is vulgarly given to Belisarius, may be ascribed with more dignity to Augustus in the act of propitiating Nemesis, (Winckelman, *Hist. de l'Art*, tom. iii. p. 266.) *Ex nocturno viam etiam stipem, quotannis, die certo, emendicabat a populo, cavam manum asses porrigentibus præbens*, (Sueton. in August. c. 91, with an excellent note of Casaubon.)\*

<sup>11</sup> The *rubor* of Domitian is stigmatized, quaintly enough, by the pen of Tacitus, (in *Vit. Agricol.* c. 45;) and has been likewise noticed by the younger Pliny, (*Panegy.* c. 48,) and Suetonius, (in Domitian, c. 18, and Casaubon ad locum.) Procopius (*Anecd.* c. 8) foolishly believes that only *one* bust of Domitian had reached the 7th century.

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\* Lord Mahon abandons the statue, as altogether irreconcilable with the state of the arts at this period, (p. 472.)—M.

acquisition of knowledge" and the despatch of business; and he might seriously deserve the reproach of confounding, by minute and preposterous diligence, the general order of his administration. The emperor professed himself a musician and architect, a poet and philosopher, a lawyer and theologian; and if he failed in the enterprise of reconciling the Christian sects, the review of the Roman jurisprudence is a noble monument of his spirit and industry. In the government of the empire, he was less wise, or less successful: the age was unfortunate; the people was oppressed and discontented; Theodora abused her power; a succession of bad ministers disgraced his judgment; and Justinian was neither beloved in his life, nor regretted at his death. The love of fame was deeply implanted in his breast, but he condescended to the poor ambition of titles, honors, and contemporary praise; and while he labored to fix the admiration, he forfeited the esteem and affection, of the Romans. The design of the African and Italian wars was boldly conceived and executed; and his penetration discovered the talents of Belisarius in the camp, of Narses in the palace. But the name of the emperor is eclipsed by the names of his victorious generals; and Belisarius still lives, to upbraid the envy and ingratitude of his sovereign. The partial favor of mankind applauds the genius of a conqueror, who leads and directs his subjects in the exercise of arms. The characters of Philip the Second and of Justinian are distinguished by the cold ambition which delights in war, and declines the dangers of the field. Yet a colossal statue of bronze represented the emperor on horseback, preparing to march against the Persians in the habit and armor of Achilles. In the great square before the church of St. Sophia, this monument was raised on a brass column and a stone pedestal of seven steps; and the pillar of Theodosius, which weighed seven thousand four hundred pounds of silver, was removed from the same place by the avarice and vanity of Justinian. Future princes were more just or indulgent to *his* memory; the elder Andronicus, in the beginning of the fourteenth century, repaired and beautified his equestrian statue: since the fall of the

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" The studies and science of Justinian are attested by the confession (Anecd. c. 8, 13) still more than by the praises (Gothic. l. iii. c. 31, de Edific. l. i. Proem. c. 7) of Procopius. Consult the copious index of Alemannus, and read the life of Justinian by Ludewig, (p. 185—142.)

empire it has been melted into cannon by the victorious Turks."

I shall conclude this chapter with the comets, the earthquakes, and the plague, which astonished or afflicted the age of Justinian.

I. In the fifth year of his reign, and in the month of September, a comet<sup>74</sup> was seen during twenty days in the western quarter of the heavens, and which shot its rays into the north. Eight years afterwards, while the sun was in Capricorn, another comet appeared to follow in the Sagittary; the size was gradually increasing; the head was in the east, the tail in the west, and it remained visible above forty days. The nations, who gazed with astonishment, expected wars and calamities from their baleful influence; and these expectations were abundantly fulfilled. The astronomers dissembled their ignorance of the nature of these blazing stars, which they affected to represent as the floating meteors of the air; and few among them embraced the simple notion of Seneca and the Chaldeans, that they are only planets of a longer period and more eccentric motion.<sup>75</sup> Time and science have justified the conjectures and predictions of the Roman sage: the telescope has opened new worlds to the eyes of astronomers;<sup>76</sup> and, in the narrow space of history and fable, one

<sup>73</sup> See in the C. P. Christiana of Ducange (l. i. c. 24, No. 1) a chain of original testimonies, from Procopius in the viith, to Gyllius in the xvith century.

<sup>74</sup> The first comet is mentioned by John Malala (tom. ii. p. 190, 219) and Theophanes, (p. 154;) the second by Procopius, (Persic. l. ii.

4.) Yet I strongly suspect their identity. The paleness of the sun Vandal. l. ii. c. 14) is applied by Theophanes (p. 158) to a different year.\*

<sup>75</sup> Seneca's viith book of Natural Questions displays, in the theory of comets, a philosophic mind. Yet should we not too candidly confound a vague prediction, a *venient tempus*, &c., with the merit of real discoveries.

<sup>76</sup> Astronomers may study Newton and Halley. I draw my humble science from the article COMETS, in the French Encyclopedie, by M. d'Alembert.

See Lydus de Ostentis, particularly c. 15, in which the author begins to show the signification of comets according to the part of the heavens in which they appear, and what fortunes they prognosticate to the Roman empire and their Persian enemies. The chapter, however, is imperfect. (Edit. Niebuhr, p. 290.)—M.

and the same comet is already found to have revisited the earth in *seven* equal revolutions of five hundred and seventy-five years. The *first*,<sup>77</sup> which ascends beyond the Christian æra one thousand seven hundred and sixty-seven years, is coëval with Ogyges, the father of Grecian antiquity. And this appearance explains the tradition which Varro has preserved, that under his reign the planet Venus changed her color, size, figure, and course; a prodigy without example either in past or succeeding ages.<sup>78</sup> The *second* visit, in the year eleven hundred and ninety-three, is darkly implied in the fable of Electra, the seventh of the Pleiads, who have been reduced to six since the time of the Trojan war. That nymph, the wife of Dardanus, was unable to support the ruin of her country: she abandoned the dances of her sister orbs, fled from the zodiac to the north pole, and obtained, from her dishevelled locks, the name of the *comet*. The *third* period expires in the year six hundred and eighteen, a date that exactly agrees with the tremendous comet of the Sibyl, and perhaps of Pliny, which arose in the West two generations before the reign of Cyrus. The *fourth* apparition, forty-four years before the birth of Christ, is of all others the most splendid and important. After the death of Cæsar, a long-haired star was conspicuous to Rome and to the nations, during the games which were exhibited by young Octavian in honor of Venus and his uncle. The vulgar opinion, that it conveyed to heaven the divine soul of the dictator, was cherished and consecrated by the piety of a statesman; while his secret superstition referred the comet to the glory of his own times.<sup>79</sup> The *fifth* visit has been already ascribed to the

<sup>77</sup> Whiston, the honest, pious, visionary Whiston, had fancied for the æra of Noah's flood (2242 years before Christ) a prior apparition of the same comet which drowned the earth with its tail.

<sup>78</sup> A Dissertation of Freret (Mémoires de l'Académie des Inscriptions, tom. x. p. 357-377) affords a happy union of philosophy and erudition. The phenomenon in the time of Ogyges was preserved by Varro, (Apud Augustin. de Civitate Dei, xxi. 8.) who quotes Castor, Dion of Naples, and Adastrus of Cyzicus—nobiles mathematici. The two subsequent periods are preserved by the Greek mythologists and the spurious books of Sibylline verses.

<sup>79</sup> Pliny (Hist. Nat. ii. 23) has transcribed the original memorial of Augustus Mairan, in his most ingenious letters to the P. Parenin, missionary in China, removes the games and the comet of September, from the year 44 to the year 43, before the Christian æra; but I am not totally subdued by the criticism of the astronomer, (Opusculæ, p. 275-281.)

fifth year of Justinian, which coincides with the five hundred and thirty-first of the Christian æra. And it may deserve notice, that in this, as in the preceding instance, the comet was followed, though at a longer interval, by a remarkable paleness of the sun. The *sixth* return, in the year eleven hundred and six, is recorded by the chronicles of Europe and China: and in the first fervor of the crusades, the Christians and the Mahometans might surmise, with equal reason, that it portended the destruction of the Infidels. The *seventh* phenomenon, of one thousand six hundred and eighty, was presented to the eyes of an enlightened age.<sup>20</sup> The philosophy of Bayle dispelled a prejudice which Milton's muse had so recently adorned, that the comet, "from its horrid hair shakes pestilence and war."<sup>21</sup> Its road in the heavens was observed with exquisite skill by Flamsteed and Cassini: and the mathematical science of Bernoulli, Newton,\* and Halley, investigated the laws of its revolutions. At the *eighth* period, in the year two thousand three hundred and fifty-five, their calculations may perhaps be verified by the astronomers of some future capital in the Siberian or American wilderness.

II. The near approach of a comet may injure or destroy the globe which we inhabit; but the changes on its surface have been hitherto produced by the action of volcanoes and earthquakes.<sup>22</sup> The nature of the soil may indicate the countries most exposed to these formidable concussions, since they are caused by subterraneous fires, and such fires are kindled by the union and fermentation of iron and sulphur.

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<sup>20</sup> This last comet was visible in the month of December, 1680. Bayle, who began his *Pensées sur la Comète* in January, 1681, (*Œuvres*, tom. iii.,) was forced to argue that a *supernatural* comet would have confirmed the ancients in their idolatry. Bernoulli (see his *Éloge*, in Fontenelle, tom. v. p. 99) was forced to allow that the tail, though not the head, was a *sign* of the wrath of God.

<sup>21</sup> *Paradise Lost* was published in the year 1667; and the famous lines (l. ii. 708, &c.) which startled the licenser, may allude to the recent comet of 1664, observed by Cassini at Rome in the presence of Queen Christina, (Fontenelle, in his *Éloge*, tom. v. p. 338.) Had Charles II. betrayed any symptoms of curiosity or fear?

<sup>22</sup> For the cause of earthquakes, see Buffon, (tom. i. p. 502—536 *Supplément à l'Hist. Naturelle*, tom. v. p. 382—390, edition in 4to., Valmont de Bomare, (*Dictionnaire d'Histoire Naturelle, Tremblements de Terre, Pyrites*,) Watson, (*Chemical Essays*, tom. i. p. 181.—209.)

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\* Compare Pingré, *Histoire des Comètes*.—M.



sors," first appeared in the neighborhood of Pelusium, between the Serbonian bog and the eastern channel of the Nile. From thence, tracing as it were a double path, it spread to the East, over Syria, Persia, and the Indies, and penetrated to the West, along the coast of Africa, and over the continent of Europe. In the spring of the second year, Constantinople, during three or four months, was visited by the pestilence; and Procopius, who observed its progress and symptoms with the eyes of a physician,\* has emulated the skill and diligence of Thucydides in the description of the plague of Athens." The infection was sometimes announced by the visions of a distempered fancy, and the victim despaired as soon as he had heard the menace and felt the stroke of an invisible spectre. But the greater number, in their beds, in the streets, in their usual occupation, were surprised by a slight fever; so slight, indeed, that neither the pulse nor the color of the patient gave any signs of the approaching danger. The same, the next, or the succeeding day, it was declared by the swelling of the glands, particularly those of the groin, of the armpits, and under the ear; and when these buboes or tumors were opened, they were found to contain a coal, or black substance, of the size of a lentil. If they came to a just swelling and suppuration, the patient was saved by this kind and natural discharge of the morbid humor. But if they continued hard and dry, a mortification quickly ensued, and the fifth day was commonly the term of his life. The fever was often accompanied with lethargy or delirium; the bodies of the sick were covered with black

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\* The great plague which raged in 542 and the following years (Pagi, *Critica*, tom. ii. p. 518) must be traced in Procopius, (*Persic.* l. ii. c. 22, 23,) Agathias, (l. v. p. 153, 154,) Evagrius, (l. iv. c. 20,) Paul Diaconus, (l. ii. c. iv. p. 776, 777,) Gregory of Tours, (tom. ii. l. iv. c. 5, p. 205,) who styles it *Lues Inguinaria*, and the *Chronicles* of Victor Tununensis, (p. 9, in *Thesaur. Temporum*,) of Marcellinus, (p. 54,) and of Theophanes, (p. 153.)

" Dr. Friend (*Hist. Medicin.* in *Opp.* p. 416—420, Lond. 1783) is satisfied that Procopius must have studied physic, from his knowledge and use of the technical words. Yet many words that are now scientific were common and popular in the Greek idiom.

" See Thucydides, l. ii. c. 47—54, p. 127—133, edit. Duker, and the poetical description of the same plague by Lucretius, (l. vi. 1136—1254.) I was indebted to Dr. Hunter for an elaborate commentary on this part of Thucydides, a quarto of 600 pages, (Venet. 1608, apud Juntas,) which was pronounced in St. Mark's Library by Fabius Paulinus Utinensis, a physician and philosopher.

pustules or carbuncles, the symptoms of immediate death; and in the constitutions too feeble to produce an irruption, the vomiting of blood was followed by a mortification of the bowels. To pregnant women the plague was generally mortal: yet one infant was drawn alive from his dead mother, and three mothers survived the loss of their infected foetus. Youth was the most perilous season; and the female sex was less susceptible than the male: but every rank and profession was attacked with indiscriminate rage, and many of those who escaped were deprived of the use of their speech, without being secure from a return of the disorder.<sup>11</sup> The physicians of Constantinople were zealous and skilful; but their art was baffled by the various symptoms and pertinacious vehemence of the disease: the same remedies were productive of contrary effects, and the event capriciously disappointed their prognostics of death or recovery. The order of funerals, and the right of sepulchres, were confounded: those who were left without friends or servants, lay unburied in the streets, or in their desolate houses; and a magistrate was authorized to collect the promiscuous heaps of dead bodies, to transport them by land or water, and to inter them in deep pits beyond the precincts of the city. Their own danger, and the prospect of public distress, awakened some remorse in the minds of the most vicious of mankind: the confidence of health again revived their passions and habits; but philosophy must disdain the observation of Procopius, that the lives of such men were guarded by the peculiar favor of fortune or Providence. He forgot, or perhaps he secretly recollected, that the plague had touched the person of Justinian himself; but the abstemious diet of the emperor may suggest, as in the case of Socrates, a more rational and honorable cause for his recovery.<sup>12</sup> During his sickness, the public consternation was expressed in the habits of the citizens; and their idleness and

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<sup>11</sup> Thucydides (c. 51) affirms, that the infection could only be once taken; but Evagrius, who had family experience of the plague, observes, that some persons, who had escaped the first, sunk under the second attack; and this repetition is confirmed by Fabius Paullinus, (p. 588.) I observe, that on this head physicians are divided; and the nature and operation of the disease may not always be similar.

<sup>12</sup> It was thus that Socrates had been saved by his temperance, in the plague of Athens, (Aul. Gellius, Noct. Attic. ii. 1.) Dr. Mead accounts for the peculiar salubrity of religious houses, by the two advantages of seclusion and abstinence, (p. 18, 19.)

despondence occasioned a general scarcity in the capital of the East.

Contagion is the inseparable symptom of the plague; which, by mutual respiration, is transfused from the infected persons to the lungs and stomach of those who approach them. While philosophers believe and tremble, it is singular, that the existence of a real danger should have been denied by a people most prone to vain and imaginary terrors.\* Yet the fellow-citizens of Procopius were satisfied, by some short and partial experience, that the infection could not be gained by the closest conversation: "and this persuasion might support the assiduity of friends or physicians in the care of the sick, whom inhuman prudence would have condemned to solitude and despair. But the fatal security, like the predestination of the Turks, must have aided the progress of the contagion; and those salutary precautions to which Europe is indebted for her safety, were unknown to the government of Justinian. No restraints were imposed on the free and frequent intercourse of the Roman provinces: from Persia to France, the nations were mingled and infected by wars and emigrations; and the pestilential odor which lurks for years in a bale of cotton was imported, by the abuse of trade, into the most distant regions. The mode of its propagation is explained by the remark of Procopius himself, that it always spread from the sea-coast to the inland country: the most sequestered islands and mountains were successively visited; the places which had escaped the fury of its first passage were alone exposed to the contagion of the ensuing year. The winds might diffuse that subtle venom; but unless the atmosphere be previously disposed for its reception, the plague would soon expire in the cold or temperate climates of the earth. Such was the universal corruption of the air, that the pestilence

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\* Mead proves that the plague is contagious from Thucydides, Lucretius, Aristotle, Galen, and common experience, (p. 10—20;) and he refutes (Preface, p. 2—13) the contrary opinion of the French physicians who visited Marseilles in the year 1720. Yet these were the recent and enlightened spectators of a plague which, in a few months, swept away 50,000 inhabitants (sur le Peste de Marseille, Paris, 1786) of a city that, in the present hour of prosperity and trade, contains no more than 90,000 souls, (Necker, sur les Finances, tom. i. p. 281.)

\* The strong assertions of Procopius—οὐτε γὰρ ἰατρῶν οὐτε ἰδιώγων—were overthrown by the subsequent experience of Evagrius.

which burst forth in the fifteenth year of Justinian was not checked or alleviated by any difference of the seasons. In time, its first malignity was abated and dispersed; the disease alternately languished and revived; but it was not till the end of a calamitous period of fifty-two years, that mankind recovered their health, or the air resumed its pure and salubrious quality. No facts have been preserved to sustain an account, or even a conjecture, of the numbers that perished in this extraordinary mortality. I only find, that during three months, five, and at length ten, thousand persons died each day at Constantinople; that many cities of the East were left vacant, and that in several districts of Italy the harvest and the vintage withered on the ground. The triple scourge of war, pestilence, and famine, afflicted the subjects of Justinian; and his reign is disgraced by the visible decrease of the human species, which has never been repaired in some of the fairest countries of the globe.\*\*

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\*\* After some figures of rhetoric, the sands of the sea, &c., Procopius (Anecdot. c. 18) attempts a more definite account; that *μυριάδας μυριάδων μυριάς* had been exterminated under the reign of the Imperial demon. The expression is obscure in grammar and arithmetic and a literal interpretation would produce several millions of millions. Alemannus (p. 80) and Cousin (tom. iii. p. 178) translate this passage, "two hundred millions:" but I am ignorant of their motives. If we drop the *μυριάδας*, the remaining *μυριάδων μυριάς* a myriad of myriads, would furnish one hundred millions, a number not wholly inadmissible.

transfused into the domestic institutions of Europe,\* and the laws of Justinian still command the respect or obedience of independent nations. Wise or fortunate is the prince who connects his own reputation with the honor or interest of a perpetual order of men. The defence of their founder is the first cause, which in every age has exercised the zeal and industry of the civilians. They piously commemorate his virtues; dissemble or deny his failings; and fiercely chastise the guilt or folly of the rebels, who presume to sully the majesty of the purple. The idolatry of love has provoked, as it usually happens, the rancor of opposition; the character of Justinian has been exposed to the blind vehemence of flattery and invective; and the injustice of a sect (the *Anti-Tribonians*;) has refused all praise and merit to the prince, his ministers, and his laws.† Attached to no party, interested

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\* Germany, Bohemia, Hungary, Poland, and Scotland, have received them as common law or reason; in France, Italy, &c., they possess a direct or indirect influence; and they were respected in England, from Stephen to Edward I. our national Justinian, (Duck, de Usu et Auctoritate Juris Civilis, l. ii. c. 1, 8—16. Heineccius, Hist. Juris Germanici, c. 3, 4, No. 55—124, and the legal historians of each country.)\*

† Francis Hottoman, a learned and acute lawyer of the xvth century, wished to mortify Cujacius, and to please the Chancellor de

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\* Although the restoration of the Roman law, introduced by the revival of this study in Italy, is one of the most important branches of history, it had been treated but imperfectly when Gibbon wrote his work. That of Arthur Duck is but an insignificant performance. But the researches of the learned have thrown much light upon the matter. The Sarti, the Tiraboschi, the Fantuzzi, the Savioli, had made some very interesting inquiries; but it was reserved for M. de Savigny, in a work entitled "The History of the Roman Law during the Middle Ages," to cast the strongest light on this part of history. He demonstrates incontestably the preservation of the Roman law from Justinian to the time of the Glossators, who by their indefatigable zeal, propagated the study of the Roman jurisprudence in all the countries of Europe. It is much to be desired that the author should continue this interesting work, and that the learned should engage in the inquiry in what manner the Roman law introduced itself into their respective countries, and the authority which it progressively acquired. For Belgium, there exists, on this subject, (proposed by the Acad. emy of Brussels in 1781,) a Collection of Memoirs, printed at Brussels in 1780, 1783, among which should be distinguished those of M. de Berg. M. Berriat Saint Prix has given us hopes of the speedy appearance of a work in which he will discuss this question, especially in relation to France. M. Spangenberg, in his Introduction to the Study of the Corpus Juris Civilis, Hanover, 1817, 1 vol. 8vo. p. 86, 116, gives us a general sketch of the history of the Roman law in different parts of Europe. We cannot avoid mentioning an elementary work by M. Hugo, in which he treats of the History of the Roman Law from Justinian to the present Time, 2d edit. Berlin 1819. W.

only for the truth and candor of history, and directed by the most temperate and skilful guides,\* I enter with just diffidence on the subject of civil law, which has exhausted so many learned lives, and clothed the walls of such spacious libraries. In a single, if possible in a short, chapter, I shall trace the Roman jurisprudence from Romulus to Justinian,<sup>†</sup> appreciate the labors of that emperor, and pause to contemplate the principles of a science so important to the peace and happiness of society. The laws of a nation form the most instructive portion of its history; and although I have devoted myself to write the annals of a declining monarchy, I shall embrace

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l'Hopital. His *Anti-Tribonianus* (which I have never been able to procure) was published in French in 1609; and his sect was propagated in Germany, (Heineccius, *Op.* tom. iii. sylloge iii. p. 171—183.)\*

<sup>†</sup> At the head of these guides I shall respectfully place the learned and perspicuous Heineccius, a German professor, who died at Halle in the year 1741, (see his *Eloge* in the *Nouvelle Bibliothèque Germanique*, tom. ii. p. 51—64.) His ample works have been collected in eight volumes in 4to. Geneva, 1743—1748. The treatises which I have separately used are, 1. *Historia Juris Romani et Germanici*, Lugd. Batav. 1740, in 8vo. 2. *Syntagma Antiquitatum Romanam Jurisprudentiam illustrantium*, 2 vols. in 8vo. Traject. ad Rhenum. 3. *Elementa Juris Civilis secundum Ordinem Institutionum*, Lugd. Bat. 1751, in 8vo. 4. *Elementa J. C. secundum Ordinem Pandectarum* Traject. 1772, in 8vo. 2 vols.†

<sup>\*</sup> Our original text is a fragment de *Origine Juris* (Pandect. l. i. tit. ii.) of Pomponius, a Roman lawyer, who lived under the Antonines, (Heinecc. tom. iii. syl. iii. p. 66—126.) It has been abridged, and probably corrupted, by Tribonian, and since restored by Bynkershoek (*Opp.* tom. i. p. 279—304.)

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<sup>\*</sup> Though there have always been many detractors of the Roman law, no sect of Anti-Tribonians has ever existed under that name, as Gibbon seems to suppose.—W.

† Our author, who was not a lawyer, was necessarily obliged to content himself with following the opinions of those writers who were then of the greatest authority; but as Heineccius, notwithstanding his high reputation for the study of the Roman law, knew nothing of the subject on which he treated, but what he had learned from the compilations of various authors, it happened that, in following the sometimes rash opinions of these guides, Gibbon has fallen into many errors, which we shall endeavor in succession to correct.

The work of Bach on the History of the Roman Jurisprudence, with which Gibbon was not acquainted, is far superior to that of Heineccius and since that time we have new obligations to the modern *historic civilians*, whose indefatigable researches have greatly enlarged the sphere of our knowledge in this important branch of history. We want a pen like that of Gibbon to give to the more accurate notions which we have acquired since his time, the brilliancy, the vigor, and the animation which Gibbon has bestowed on the opinions of Heineccius and his contemporaries.—W

the occasion to breathe the pure and invigorating air of the republic.

The primitive government of Rome<sup>\*</sup> was composed, with some political skill, of an elective king, a council of nobles, and a general assembly of the people. War and religion were administered by the supreme magistrate; and he alone proposed the laws, which were debated in the senate, and finally ratified or rejected by a majority of votes in the thirty *curiæ* or parishes of the city. Romulus, Numa, and Servius Tullius, are celebrated as the most ancient legislators; and each of them claims his peculiar part in the threefold division of jurisprudence.<sup>†</sup> The laws of marriage, the education of children, and the authority of parents, which may seem to draw their origin from *nature* itself, are ascribed to the untutored wisdom of Romulus. The law of *nations* and of religious worship, which Numa introduced, was derived from his nocturnal converse with the nymph Egeria. The *civil* law is attributed to the experience of Servius: he balanced the rights and fortunes of the seven classes of citizens; and guarded, by fifty new regulations, the observance of contracts and the punishment of crimes. The state, which he had inclined towards a democracy, was changed by the last Tarquin into a lawless despotism; and when the kingly office was abolished, the patricians engrossed the benefits of freedom. The royal laws became odious or obsolete; the mysterious

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<sup>\*</sup> The constitutional history of the kings of Rome may be studied in the first book of Livy, and more copiously in Dionysius Halicarnassensis, (l. ii. p. 80—96, 119—180, l. iv. p. 198—220,) who sometimes betrays the character of a rhetorician and a Greek.\*

<sup>†</sup> This threefold division of the law was applied to the three Roman kings by Justus Lipsius, (Opp. tom. iv. p. 279;) is adopted by Gravina, (Origines Juris Civilis, p. 28, edit. Lips. 1737;) and is reluctantly admitted by Mascou, his German editor.†

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<sup>\*</sup> M. Warnkönig refers to the work of Beaufort, on the Uncertainty of the Five First Ages of the Roman History, with which Gibbon was probably acquainted, to Niebuhr, and to the less known volume of Wachsmuth, "Aeltere Geschichte des Röm. Staats." To these I would add A. W. Schlegel's Review of Niebuhr, and my friend Dr. Arnold's recently published volume of which the chapter on the Law of the XII. Tables appears to me one of the most valuable, if not the most valuable, chapter.—M.

<sup>†</sup> Whoever is acquainted with the real notions of the Romans on the *ius naturale, gentium et civile*, cannot but disapprove of this explanation which has no relation to them, and might be taken for a pleasantry. It is certainly unnecessary to increase the confusion which already prevails among modern writers on the true sense of these ideas. Hugo.—W.

deposit was silently preserved by the priests and nobles; and at the end of sixty years, the citizens of Rome still complained that they were ruled by the arbitrary sentence of the magistrates. Yet the positive institutions of the kings had blended themselves with the public and private manners of the city; some fragments of that venerable jurisprudence<sup>9</sup> were compiled by the diligence of antiquarians,<sup>10</sup> and above twenty texts still speak the rudeness of the Pelasgic idiom of the Latins.<sup>10</sup>

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<sup>9</sup> The most ancient Code or Digest was styled *Jus Papirianum*, from the first compiler, Papirius, who flourished somewhat before or after the *Regifugium*, (Pandect. l. i. tit. ii.) The best judicial critics, even Bykershoek (tom. i. p. 284, 285) and Heineccius, (Hist. J. O. R. l. i. c. 16, 17, and Opp. tom. iii. sylloge iv. p. 1—8,) give credit to this tale of Pomponius, without sufficiently adverting to the value and rarity of such a monument of the third century, of the *illiterate* city. I much suspect that the Caius Papirius, the Pontifex Maximus, who revived the laws of Numa (Dionys. Hal. l. iii. p. 171) left only an oral tradition; and that the *Jus Papirianum* of Granius Flaccus (Pandect. l. i. tit. xvi. leg. 144) was not a commentary, but an original work, compiled in the time of Cæsar, (Censorin. de Die Natali, l. iii. p. 13, Duker de Latinitate J. O. p. 154.)\*

<sup>9</sup> A pompous, though feeble attempt to restore the original, is made in the *Histoire de la Jurisprudence Romaine* of Terrasson, p. 22—72, Paris, 1750, in folio; a work of more promise than performance.

<sup>10</sup> In the year 1444, seven or eight tables of brass were dug up between Cortona and Gubio. A part of these (for the rest is Etruscan) represents the primitive state of the Pelasgic letters and language, which are ascribed by Herodotus to that district of Italy, (l. i. c. 56, 57, 58;) though this difficult passage may be explained of a Crestona in Thrace, (Notes de Larcher, tom. i. p. 256—261.) The savage dialect of the Eugubine tables† has exercised, and may still elude, the divination of criticism; but the root is undoubtedly Latin, of the same age and character as the Saliare Carmen, which, in the time of Horace, none could understand. The Roman idiom, by an infusion of Doric and Æolic Greek, was gradually ripened into the style of the xii. tables, of the Duillian column, of Ennius, of Terence, and of Cicero, (Gruter. Inscript. tom. i. p. cxlii. Scipion Maffei, *Istoria Diplomatica*, p. 241—258. *Bibliothèque Italique*, tom. iii. p. 30—41, 174—205, tom. xiv. p. 1—52.)†

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\* Niebuhr considers the *Jus Papirianum*, adduced by *Verrius Flaccus*, to be of undoubted authenticity. Rom. Geschichte, l. 257.—M. Compare this with the work of M. Hago.—W.

† The Eugubine Tables have exercised the ingenuity of the Italian and German critics; it seems admitted (O. Müller, *die Etrusker*, ii. 313) that they are Tuscan. See the works of Lanzi, Passeri, Dempster, and O. Müller.—M



I shall not repeat the well-known story of the Decemvirs,<sup>11</sup> who sullied by their actions the honor of inscribing on brass, or wood, or ivory, the TWELVE TABLES of the Roman laws.<sup>12</sup> They were dictated by the rigid and jealous spirit of an aristocracy, which had yielded with reluctance to the just demands of the people. But the substance of the Twelve Tables was adapted to the state of the city; and the Romans had emerged from Barbarism, since they were capable of studying and embracing the institutions of their more enlightened neighbors.\* A wise Ephesian was driven by envy from his native country: before he could reach the shores of Latium, he had observed the various forms of human nature and civil society: he imparted his knowledge to the legislators of Rome, and a statue was erected in the forum to the perpetual memory of Hermodorus.<sup>13</sup> The names and divisions of the copper

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<sup>11</sup> Compare Livy (l. iii. c. 31—59) with Dionysius Halicarnassensis, (l. x. p. 644—xi. p. 691.) How concise and animated is the Roman—how prolix and lifeless the Greek! Yet he has admirably judged the masters, and defined the rules, of historical composition.

<sup>12</sup> From the historians, Heineccius (Hist. J. R. l. i. No. 26) maintains that the twelve tables were of brass—*cereæ*; in the text of Pomponius we read *oboreas*; for which Scaliger has substituted *roboreas*, (Bynkershoek, p. 286.) Wood, brass, and ivory, might be successively employed.†

<sup>13</sup> His exile is mentioned by Cicero, (Tusculan. Quæstion. v. 36; his statue by Pliny, (Hist. Nat. xxxiv. 11.) The letter, dream, and prophecy of Heraclitus, are alike spurious, (Epistolæ Græc. Diversa. p. 337.)‡

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\* Compare Niebuhr, 355, note 720.—M. It is a most important question whether the twelve tables in fact include laws imported from Greece. The negative opinion maintained by our author, is now almost universally adopted, particularly by MM. Niebuhr, Hugo, and others. See my *Institutiones Juris Romani privati* Leodii, 1819, p. 311, 312.—W. Dr. Arnold, p. 255, seems to incline to the opposite opinion. Compare some just and sensible observations in the Appendix to Mr. Travers Twiss's *Epitome of Niebuhr*, p. 347, Oxford, 1836.—M.

† Compare Niebuhr, vol. ii. p. 349, &c.—M.

‡ Compare Niebuhr. ii. 209.—M. See the *Mém de l'Académ. des Inscriptions*. xxii. p. 48. It would be difficult to disprove, that a certain Hermodorus had some share in framing the Laws of the Twelve Tables. Pomponius even says that this Hermodorus was the author of the last two tables. Pliny calls him the Interpreter of the Decemvirs, which may lead us to suppose that he labored with them in drawing up that law. But it is astonishing that in his Dissertation, (De Hermodoro vero XII. Tabularum Auctore, *Annales Academiæ Groninganiæ* anni 1817, 1818,) M. Gratama has ventured to advance two propositions entirely devoid of proof: "*Decem priores tabulas ab ipsis Romanis non esse profectas, tota confirmata Decemviralis Historia.*" et "*Hermodorum legum decemviralium veri*

money, the sole coin of the infant state, were of Dorian origin: <sup>14</sup> the harvests of Campania and Sicily relieved the wants of a people whose agriculture was often interrupted by war and faction; and since the trade was established, <sup>15</sup> the deputies who sailed from the Tyber might return from the same harbors with a more precious cargo of political wisdom. The colonies of Great Greece had transported and improved the arts of their mother country. Cumæ and Rhegium, Crotona and Tarentum, Agrigentum and Syracuse, were in the rank of the most flourishing cities. The disciples of Pythagoras applied philosophy to the use of government; the unwritten laws of Charondas accepted the aid of poetry and music, <sup>16</sup> and Zaleucus framed the republic of the Locrians, which stood without alteration above two hundred years. <sup>17</sup> From a similar motive of national pride, both Livy and Dionysius are willing to believe, that the deputies of Rome visited Athens under the wise and splendid administration of Pericles; and the laws of Solon were transfused into the twelve tables. If such an embassy had indeed been received from the Barbarians of Hesperia, the Roman name would

<sup>14</sup> This intricate subject of the Sicilian and Roman money, is ably discussed by Dr. Bentley, (Dissertation on the Epistles of Phalaris, p. 427—479,) whose powers in this controversy were called forth by honor and resentment.

<sup>15</sup> The Romans, or their allies, sailed as far as the fair promontory of Africa, (Polyb. l. iii. p. 177, edit. Casaubon, in folio.) Their voyages to Cumæ, &c., are noticed by Livy and Dionysius.

<sup>16</sup> This circumstance would alone prove the antiquity of Charondas, the legislator of Rhegium and Catana, who, by a strange error of Diodorus Siculus (tom. i. l. xii. p. 485—492) is celebrated long afterwards as the author of the policy of Thurium.

<sup>17</sup> Zaleucus, whose existence has been rashly attacked, had the merit and glory of converting a band of outlaws (the Locrians) into the most virtuous and orderly of the Greek republics. (See two Memoirs of the Baron de St. Croix, sur la Législation de la Grande Grèce Mém. de l'Académie, tom. xlii. p. 276—333.) But the laws of Zaleucus and Charondas, which imposed on Diodorus and Stobæus, are the spurious composition of a Pythagorean sophist, whose fraud has been detected by the critical sagacity of Bentley, p. 335—377.

*nomins* auctorem esse, qui eas composuerit suis ordinibus, disposuerit, suasque fecerit auctoritate, ut a decemviris reciperentur." This truly was an age in which the Roman Patricians would allow their laws to be dictated by a foreign Exile! Mr. Gratama does not attempt to prove the authenticity of the supposititious letter of Heracitus. He contents himself with expressing his astonishment that M. Bonamy (as well as Gibbon) will receive it as genuine.—W.

have been familiar to the Greeks before the reign of Alexander;<sup>18</sup> and the faintest evidence would have been explored and celebrated by the curiosity of succeeding times. But the Athenian monuments are silent; nor will it seem credible that the patricians should undertake a long and perilous navigation to copy the purest model of democracy. In the comparison of the tables of Solon with those of the Decemvirs, some casual resemblance may be found; some rules which nature and reason have revealed to every society; some proofs of a common descent from Egypt or Phœnicia.<sup>19</sup> But in all the great lines of public and private jurisprudence, the legislators

<sup>18</sup> I seize the opportunity of tracing the progress of this national intercourse 1. Herodotus and Thucydides (A. U. C. 300—350) appear ignorant of the name and existence of Rome, (Joseph. contra Appion tom. ii. l. i. c. 12, p. 444, edit. Havercamp.) 2. Theopompus (A. U. C. 400, Plin. iii. 9) mentions the invasion of the Gauls, which is noticed in looser terms by Heraclides Ponticus, (Plutarch in Camillo, p. 292, edit. H. Stephan.) 3. The real or fabulous embassy of the Romans to Alexander (A. U. C. 430) is attested by Clitarchus, (Plin. iii. 9,) by Aristus and Asclepiades, (Arrian. l. vii. p. 294, 295,) and by Memnon of Heraclea, (apud Photium, cod. cccxiv. p. 725,) though tacitly denied by Livy. 4. Theophrastus (A. U. C. 440) *primus externorum aliqua de Romanis diligentius scripsit*, (Plin. iii. 9.) 5. Lycophron (A. U. C. 480—500) scattered the first seed of a Trojan colony and the fable of the Æneid, (Cassandra, 1226—1280.)

Γῆς καὶ θαλάσσης σκῆπτρα καὶ μοναρχίαν  
Δαβόντες.

A bold prediction before the end of the first Punic war! \*

<sup>19</sup> The tenth table, *de modo sepulturæ*, was borrowed from Solon, (Cicero de Legibus, ii. 28—26:) the *furtem per lancem et licitum conceptum*, is derived by Heineccius from the manners of Athens, (Antiquitat. Rom. tom. ii. p. 167—175.) The right of killing a nocturnal thief was declared by Moes, Solon, and the Decemvirs, (Exodus xxii. 3. Demosthenes contra Timocratem, tom. i. p. 736, edit. Reiske. Macrobi. Saturnalia, l. i. c. 4. Collatio Legum Mosaicarum et Romanarum, tit. vii. No. i. p. 218, edit. Cannegieter.) †

\* Compare Niebuhr throughout. Niebuhr has written a dissertation, (Kleine Schriften, i. p. 438,) arguing from this prediction, and on other conclusive grounds, that the Lycophron, the author of the Cassandra, is not the Alexandrian poet. He had been anticipated in this sagacious criticism, as he afterwards discovered, by a writer of no less distinction than Charles James Fox.—Letters to Wakefield. And likewise by the author of the extraordinary translation of this poem, that most promising scholar, Lord Royston. See the Remains of Lord Royston, by the Rev. Henry Pepys, London, 1838.

† Are not the same points of similarity discovered in the legislation of all nations in the infancy of their civilization?—W.

of Rome and Athens appear to be strangers or adverse at each other.

Whatever might be the origin or the merit of the twelve tables," they obtained among the Romans that blind and partial reverence which the lawyers of every country delight to bestow on their municipal institutions. The study is recommended by Cicero "as equally pleasant and instructive. They amuse the mind by the remembrance of old words and the portrait of ancient manners; they inculcate the soundest principles of government and morals; and I am not afraid to affirm, that the brief composition of the Decemvirs surpasses in genuine value the libraries of Grecian philosophy. How admirable," says Tully, with honest or affected prejudice, "is the wisdom of our ancestors! We alone are the masters of civil prudence, and our superiority is the more conspicuous, if we deign to cast our eyes on the rude and almost ridiculous jurisprudence of Draco, of Solon, and of Lycurgus." The twelve tables were committed to the memory of the young and the meditation of the old; they were transcribed and illustrated with learned diligence; they had escaped the flames of the Gauls, they subsisted in the age of Justinian, and their subsequent loss has been imperfectly restored by the labors of modern critics." But although these venerable monuments were considered as the rule of right and the fount of justice," they were overwhelmed by the weight and variety of new laws, which, at the end of

<sup>20</sup> *Βραχέως καὶ ἀνεπίτρωτος* is the praise of Diodorus, tom. i. l. xii. p. 494,) which may be fairly translated by the *eleganti atque absolutè brevitate verborum* of Aulus Gellius, (Noct. Attic. xxi. 1.)

<sup>21</sup> Listen to Cicero (de Legibus, ii. 23) and his representative Crassus, (de Oratore, i. 43, 44.)

<sup>22</sup> See Heineccius, (Hist. J. R. No. 29—33.) I have followed the restoration of the xii. tables by Gravina (Origines J. C. p. 280—307) and Terrasson, (Hist. de la Jurisprudence Romaine, p. 94—205.)\*

<sup>23</sup> *Finis æqui juris*, (Tacit. Annal. iii. 27.) † *Fons omnis publici et privati juris*, (T. Liv. iii. 34.)

\* The wish expressed by Warnkönig, that the text and the conjectural emendations on the fragments of the xii. tables should be submitted to rigid criticism, has been fulfilled by Dirksen, *Uebersicht der bisherigen Versuche zur Kritik und Herstellung des Textes der Zwölf-Tafel-Fragmente*, Leipzig, 1824.—M.

† From the context of the phrase in Tacitus, "*Nam secutæ leges etiam quando in maleficos ex delicto; sæpius tamen dissensione ordinum*" \* *late sunt*," it is clear that Gibbon has rendered this sentence correctly. Hugo, *Hist.* p. 62.—M.

five centuries, became a grievance more intolerable than the vices of the city.<sup>24</sup> Three thousand brass plates, the acts of the senate of the people, were deposited in the Capitol:<sup>25</sup> and some of the acts, as the Julian law against extortion, surpassed the number of a hundred chapters.<sup>26</sup> The Decemvirs had neglected to import the sanction of Zaleucus, which so long maintained the integrity of his republic. A Locrian, who proposed any new law, stood forth in the assembly of the people with a cord round his neck, and if the law was rejected, the innovator was instantly strangled.

The Decemvirs had been named, and their tables were approved, by an assembly of the *centuries*, in which riches preponderated against numbers. To the first class of Romans, the proprietors of one hundred thousand pounds of copper,<sup>27</sup> ninety-eight votes were assigned, and only ninety-five were left for the six inferior classes, distributed according to their substance by the artful policy of Servius. But the tribunes soon established a more specious and popular maxim, that every citizen has an equal right to enact the laws which he

<sup>24</sup> De principiis juris, et quibus modis ad hanc multitudinem infinitam ac varietatem legum perventum sit *altius* disseram, (Tacit. Annal. iii. 25.) This deep disquisition fills only two pages, but they are the pages of Tacitus. With equal sense, but with less energy, Livy (iii. 34) had complained, in hoc immenso aliarum super alias acervatarum legum cumulo, &c.

<sup>25</sup> Suetonius in Vespasiano, c. 8.

<sup>26</sup> Cicero ad Familiares, viii. 8.

<sup>27</sup> Dionysius, with Arbuthnot, and most of the moderns, (except Eisenhardt de Ponderibus, &c., p. 137—140,) represent the 100,000 *asses* by 10,000 Attic drachmæ, or somewhat more than 300 pounds sterling. But their calculation can apply only to the latter times, when the *as* was diminished to 1-24th of its ancient weight: nor can I believe that in the first ages, however destitute of the precious metals, a single ounce of silver could have been exchanged for seventy pounds of copper or brass. A more simple and rational method is to value the copper itself according to the present rate, and, after comparing the mint and the market price, the Roman and avoirdupois weight, the primitive *as* or Roman pound of copper may be appreciated at one English shilling, and the 100,000 *asses* of the first class amounted to 5000 pounds sterling. It will appear from the same reckoning, that an ox was sold at Rome for five pounds, a sheep for ten shillings, and a quarter of wheat for one pound ten shillings, (Festus, p. 330, edit. Dacier. Plin. Hist. Natur. xviii. 4 :) nor do I see any reason to reject these consequences, which moderate our ideas of the poverty of the first Romans.\*

\* Compare Niebuhr, English translation, vol. i. p. 448, &c.—M.

is bound to obey. Instead of the *centuries*, they convened the *tribes*; and the patricians, after an impotent struggle, submitted to the decrees of an assembly, in which their votes were confounded with those of the meanest plebeians. Yet as long as the tribes successively passed over narrow *bridges*,<sup>28</sup> and gave their voices aloud, the conduct of each citizen was exposed to the eyes and ears of his friends and countrymen. The insolvent debtor consulted the wishes of his creditor; the client would have blushed to oppose the views of his patron; the general was followed by his veterans, and the aspect of a grave magistrate was a living lesson to the multitude. A new method of secret ballot abolished the influence of fear and shame, of honor and interest, and the abuse of freedom accelerated the progress of anarchy and despotism.<sup>29</sup> The Romans had aspired to be equal; they were levelled by the equality of servitude; and the dictates of Augustus were patiently ratified by the formal consent of the tribes or centuries. Once, and once only, he experienced a sincere and strenuous opposition. His subjects had resigned all political liberty; they defended the freedom of domestic life. A law which enforced the obligation, and strengthened the bonds, of marriage, was clamorously rejected; Propertius, in the arms of Delia, applauded the victory of licentious love; and the project of reform was suspended till a new and more tractable generation had arisen in the world.<sup>30</sup> Such an example was not necessary to instruct a prudent usurper of the mischief of popular assemblies; and their abolition, which Augustus had silently prepared, was accomplished without resistance, and almost without notice, on the accession of his successor.<sup>31</sup> Sixty thousand plebeian legislators, whom num-

<sup>28</sup> Consult the common writers on the Roman Comitia, especially Sigonius and Beaufort. Spanheim (*de Præstantiâ et Usû Numismatum*, tom. ii. dissert. x. p. 192, 198) shows, on a curious medal, the Cista, Pontes, Septa, Diribitor, &c.

<sup>29</sup> Cicero (*de Legibus*, iii. 16, 17, 18) debates this constitutional question, and assigns to his brother Quintus the most unpopular side.

<sup>30</sup> *Præ tumultu recusantium perferre non potuit*, (Sueton. in *A. August. c. 34*.) See Propertius, l. ii. eleg. 6. Heineccius, in a separate history, has exhausted the whole subject of the Julian and Papian Poppean laws, (*Opp. tom. vii. P. i. p. 1—479*.)

<sup>31</sup> Tacit. *Annal. i. 15*. Lipsius, *Excursus E. in Tacitum*.\*

\* This error of Gibbon has been long detected. The senate, under Tiberius did indeed elect the magistrates, who before that emperor were

bers made formidable, and poverty secure, were supplanted by six hundred senators, who held their honors, their fortunes, and their lives, by the clemency of the emperor. The loss of executive power was alleviated by the gift of legislative authority; and Ulpian might assert, after the practice of two hundred years, that the decrees of the senate obtained the force and validity of laws. In the times of freedom, the resolves of the people had often been dictated by the passion or error of the moment: the Cornelian, Pompeian, and Julian laws were adapted by a single hand to the prevailing disorders; but the senate, under the reign of the Cæsars, was composed of magistrates and lawyers, and in questions of private jurisprudence, the integrity of their judgment was seldom perverted by fear or interest.<sup>22</sup>

The silence or ambiguity of the laws was supplied by the occasional *edicts*† of those magistrates who were invested with the *honors* of the state.<sup>23</sup> This ancient prerogative of the

<sup>22</sup> Non ambigitur senatum jus facere posse, is the decision of Ulpian, (l. xvi. ad Edict. in Pandect. l. i. tit. iii. leg. 9.) Pomponius taxes the *comitia* of the people as a *turba hominum*, (Pandect. l. i. tit. ii. leg. 9.)\*

<sup>23</sup> The *jus honorarium* of the prætors and other magistrates is

elected in the *comitia*. But we find laws enacted by the people during his reign, and that of Claudius. For example; the *Julia-Norbana*, *Vellea*, and *Claudia de tutelâ feminarum*. Compare the *Hist. du Droit Romain*. by M. Hugo, vol. ii. p. 55, 57. The *comitia* ceased imperceptibly as the republic gradually expired.—W.

\* The author adopts the opinion, that under the emperors alone the senate had a share in the legislative power. They had nevertheless participated in it under the Republic, since *senatus-consulta* relating to civil rights have been preserved, which are much earlier than the reigns of Augustus or Tiberius. It is true that, under the emperors, the senate exercised this right more frequently, and that the assemblies of the people had become much more rare, though in law they were still permitted, in the time of Ulpian. (See the fragments of Ulpian.) Bach has clearly demonstrated that the senate had the same power in the time of the Republic. It is natural that the *senatus-consulta* should have been more frequent under the emperors, because they employed those means of flattering the pride of the senators, by granting them the right of deliberating on all affairs which did not intrench on the Imperial power. Compare the discussions of M. Hugo, vol. i. p. 284. et seq.—W.

† There is a curious passage from Aurelius, a writer on Law, on the Prætorian Præfect, quoted in Lydus de Magistratibus, p. 32, edit. Hase. The Prætorian præfect was to the emperor what the master of the horse was to the dictator under the Republic. He was the delegate, therefore, of the full Imperial authority; and no appeal could be made or exception taken against his edicts. I had not observed this passage, when the third volume, where it would have been more appropriately placed, passed through the press.—M

Roman kings was transferred, in their respective offices, to the consuls and dictators, the censors and prætors; and a similar right was assumed by the tribunes of the people, the

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strictly defined in the Latin text to the *Institutes*, (l. i. tit. ii. No. 7,) and more loosely explained in the Greek paraphrase of Theophilus, (p. 38—38, edit. Reitz,) who drops the important word *honorarium*.\*

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\* The author here follows the opinion of Heineccius, who, according to the idea of his master Thomasius, was unwilling to suppose that magistrates exercising a judicial could share in the legislative power. For this reason he represents the edicts of the prætors as absurd. (See his work, *Historia Juris Romani*, 69, 74.) But Heineccius had altogether a false notion of this important institution of the Romans, to which we owe in a great degree the perfection of their jurisprudence. Heineccius, therefore, in his own days had many opponents of his system, among others the celebrated Ritter, professor at Wittemberg, who contested it in notes appended to the work of Heineccius, and retained in all subsequent editions of that book. After Ritter, the learned Bach undertook to vindicate the edicts of the prætors in his *Historia Jurisprud. Rom.* edit. 6, p. 218, 224. But it remained for a civilian of our own days to throw light on the spirit and true character of this institution. M. Hugo has completely demonstrated that the prætorian edicts furnished the salutary means of perpetually harmonizing the legislation with the spirit of the times. The prætors were the true organs of public opinion. It was not according to their caprice that they framed their regulations, but according to the manners and to the opinions of the great civil lawyers of their day. We know from Cicero himself, that it was esteemed a great honor among the Romans to publish an edict, well conceived and well drawn. The most distinguished lawyers of Rome were invited by the prætor to assist in framing this annual law, which, according to its principle, was only a declaration which the prætor made to the public, to announce the manner in which he would judge, and to guard against every charge of partiality. Those who had reason to fear his opinions might delay their cause till the following year.

The prætor was responsible for all the faults which he committed. The tribunes could lodge an accusation against the prætor who issued a partial edict. He was bound strictly to follow and to observe the regulations published by him at the commencement of his year of office, according to the Cornelian law, by which these edicts were called perpetual, and he could make no change in a regulation once published. The prætor was obliged to submit to his own edict, and to judge his own affairs according to its provisions. These magistrates had no power of departing from the fundamental laws, or the laws of the Twelve Tables. The people held them in such consideration, that they rarely enacted laws contrary to their provisions; but as some provisions were found inefficient, others opposed to the manners of the people, and to the spirit of subsequent ages, the prætors, still maintaining respect for the laws, endeavored to bring them into accordance with the necessities of the existing time, by such fictions as best suited the nature of the case. In what legislation do we not find these fictions, which even yet exist, absurd and ridiculous as they are, among the ancient laws of modern nations? These always variable edicts at length comprehended the whole of the Roman legislature, and became the subject of the commentaries of the most celebrated lawyers. They must therefore be considered as the basis of all the Roman jurisprudence comprehended in the *Digest* of Justinian.

It is in this sense that M. Schrader has written on this important insti



ediles, and the proconsuls. At Rome, and in the provinces, the duties of the subject, and the intentions of the governor, were proclaimed; and the civil jurisprudence was reformed by the annual edicts of the supreme judge, the prætor of the city.\* As soon as he ascended his tribunal, he announced by the voice of the crier, and afterwards inscribed on a white wall, the rules which he proposed to follow in the decision of doubtful cases, and the relief which his equity would afford from the precise rigor of ancient statutes. A principle of discretion more congenial to monarchy was introduced into the republic: the art of respecting the name, and eluding the efficacy, of the laws, was improved by successive prætors; subtleties and fictions were invented to defeat the plainest meaning of the Decemvirs, and where the end was salutary, the means were frequently absurd. The secret or probable wish of the dead was suffered to prevail over the order of succession and the forms of testaments; and the claimant, who was excluded from the character of heir, accepted with equal pleasure from an indulgent prætor the possession of the goods of his late kinsman or benefactor. In the redress of private wrongs, compensations and fines were substituted to the obsolete rigor of the Twelve Tables; time and space were annihilated by fanciful suppositions; and the plea of

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tution, proposing it for imitation as far as may be consistent with our manners, and agreeable to our political institutions, in order to avoid immature legislation becoming a permanent evil. See the *History of the Roman Law* by M. Hugo, vol. i. p. 296, &c., vol. ii. p. 30, et seq. 78, et seq., and the note in my elementary book on the *Institutes*, p. 313. With regard to the works best suited to give information on the framing and the form of these edicts, see Haubold, *Institutiones Literariæ*, tom. i. p. 321, 368.

All that Heineccius says about the usurpation of the right of making these edicts by the prætors is false, and contrary to all historical testimony. A multitude of authorities proves that the magistrates were under an obligation to publish these edicts.—W.

With the utmost deference for these excellent civilians, I cannot but consider this confusion of the judicial and legislative authority as a very perilous constitutional precedent. It might answer among a people so singularly trained as the Romans were by habit and national character in reverence for legal institutions, so as to be an aristocracy, if not a people, of legislators; but in most nations the investiture of a magistrate in such authority, leaving to his sole judgment the lawyers he might consult, and the view of public opinion which he might take, would be a very insufficient guaranty for right legislation.—M.

Compare throughout the brief but admirable sketch of the progress and growth of the Roman jurisprudence, the necessary operation of the *jus gentium*, when Rome became the sovereign of nations, upon the *jus civile* of the citizens of Rome, in the first chapter of Savigny. *Geschichte des Römischen Rechts im Mittelalter*.—M.

phers of Greece. His avarice was more clearly proved and more sensibly felt. If he were swayed by gifts in the administration of justice, the example of Bacon will again occur; nor can the merit of Tribonian atone for his baseness, if he degraded the sanctity of his profession; and if laws were every day enacted, modified, or repealed, for the base consideration of his private emolument. In the sedition of Constantinople, his removal was granted to the clamors, perhaps to the just indignation, of the people: but the quæstor was speedily restored, and, till the hour of his death, he possessed, above twenty years, the favor and confidence of the emperor. His passive and dutiful submission had been honored with the praise of Justinian himself, whose vanity was incapable of discerning how often that submission degenerated into the grossest adulation. Tribonian adored the virtues of his gracious master; the earth was unworthy of such a prince; and he affected a pious fear, that Justinian, like Elijah or Romulus, would be snatched into the air, and translated alive to the mansions of celestial glory.<sup>74</sup>

If Cæsar had achieved the reformation of the Roman law, his creative genius, enlightened by reflection and study, would have given to the world a pure and original system of jurisprudence. Whatever flattery might suggest, the emperor of the East was afraid to establish his private judgment as the standard of equity: in the possession of legislative power, he borrowed the aid of time and opinion; and his laborious compilations are guarded by the sages and legislature of past times. Instead of a statue cast in a simple mould by the hand of an artist, the works of Justinian represent a tessellated pavement of antique and costly, but too often of incoherent, fragments. In the first year of his reign, he directed the faithful Tribonian, and nine learned associates, to revise the ordinances of his predecessors, as they were contained, since

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<sup>74</sup> This story is related by Hesychius, (*de Viris Illustribus*), Procopius, (*Anecdot. c. 13.*) and Suidas, (*tom. iii. p. 501.*) Such flattery is incredible!

— Nihil est quod credere de se  
Non possit, cum laudatur Diis æqua potestas.

Fontenelle (*tom. i. p. 32—39*) has ridiculed the impudence of the modest Virgil. But the same Fontenelle places his king above the divine Augustus; and the sage Boileau has not blushed to say, "*Le destin à ses yeux n'oseroit balancer*" Yet neither Augustus nor Louis XIV. were fools.

From Augustus to Trajan, the modest Cæsars were content to promulgate their edicts in the various characters of a Roman magistrate; \* and, in the decrees of the senate, the *epistles* and *orations* of the prince were respectfully inserted. Adrian \*\* appears to have been the first who assumed, without

\*\* His laws are the first in the code. See Dodwell, (*Prælect. Cambden*, p. 319—340.) who wanders from the subject in confused reading and feeble paradox.†

edict was declared perpetually unalterable by Hadrian. The writers on law subsequent to Hadrian (and among the rest Pomponius, in his Summary of the Roman Jurisprudence) speak of the edict as it existed in the time of Cicero. They would not certainly have passed over in silence so remarkable a change in the most important source of the civil law. M. Hugo has conclusively shown that the various passages in authors, like Eutropius, are not sufficient to establish the opinion introduced by Heineccius. Compare Hugo, vol. ii. p. 78. A new proof of this is found in the Institutes of Gaius, who, in the first books of his work, expresses himself in the same manner, without mentioning any change made by Hadrian. Nevertheless, if it had taken place, he must have noticed it, as he does l. i. 8, the *responsa prudentum*, on the occasion of a rescript of Hadrian. There is no lacuna in the text. Why then should Gaius maintain silence concerning an innovation so much more important than that of which he speaks? After all, this question becomes of slight interest, since, in fact, we find no change in the perpetual edict inserted in the Digest, from the time of Hadrian to the end of that epoch, except that made by Julian, (compare Hugo. l. c.) The latter lawyers appear to follow, in their commentaries, the same texts as their predecessors. It is natural to suppose, that, after the labors of so many men distinguished in jurisprudence, the framing of the edict must have attained such perfection, that it would have been difficult to have made any innovation. We nowhere find that the jurists of the Pandects disputed concerning the words, or the drawing up of the edict.

What difference would, in fact, result from this with regard to our codes, and our modern legislation? Compare the learned Dissertation of M. Biener, *De Salvii Juliani meritis in Edictum Prætorium recte æstimandis*. Lipsæ, 1809, 4to.—W.

\* It is an important question in what manner the emperors were invested with this legislative power. The newly discovered Gaius distinctly states that it was in virtue of a law—*Nec unquam dubitatum est, quin id legis vicem obtineat, cum ipse imperator per legem imperium accipiat*. But it is still uncertain whether this was a general law, passed on the transition of the government from a republican to a monarchical form, or a law passed on the accession of each emperor. Compare Hugo, *Hist. du Droit Romain*, (French translation,) vol. ii. p. 8.—M.

† This is again an error which Gibbon shares with Heineccius, and the generality of authors. It arises from having mistaken the insignificant edict of Hadrian, inserted in the Code of Justinian, (lib. vi, tit. xxiii. c. 11.) for the first *constitutio principis*, without attending to the fact, that the Pandects contain so many constitutions of the emperors, from Julius Cæsar, (see l. i. Digest 29, 1) M. Hugo justly observes, that the *acta* of Sylla, approved by the senate, were the same thing with the constitutions of those who after him usurped the sovereign power. Moreover, we find that Pliny, and other ancient authors, report a multitude of rescripts of the emperors from the time of Augustus. See Hugo, *Hist. du Droit Romain*, vol. ii. p. 24.—W.

disguise, the plenitude of legislative power. And this innovation, so agreeable to his active mind, was countenanced by the patience of the times, and his long absence from the seat of government. The same policy was embraced by succeeding monarchs, and, according to the harsh metaphor of Tertullian, "the gloomy and intricate forest of ancient laws was cleared away by the axe of royal mandates and *constitutions*."<sup>77</sup> During four centuries, from Adrian to Justinian the public and private jurisprudence was moulded by the will of the sovereign; and few institutions, either human or divine, were permitted to stand on their former basis. The origin of Imperial legislation was concealed by the darkness of ages and the terrors of armed despotism; and a double fiction was propagated by the servility, or perhaps the ignorance, of the civilians, who basked in the sunshine of the Roman and Byzantine courts. 1. To the prayer of the ancient Cæsars, the people or the senate had sometimes granted a personal exemption from the obligation and penalty of particular statutes; and each indulgence was an act of jurisdiction exercised by the republic over the first of her citizens. His humble privilege was at length transformed into the prerogative of a tyrant; and the Latin expression of "released from the laws"<sup>78</sup> was supposed to exalt the emperor above *all* human restraints, and to leave his conscience and reason as the sacred measure of his conduct. 2. A similar dependence was implied in the decrees of the senate, which, in every reign, defined the titles and powers of an elective magistrate. But it was not before the ideas, and even the language, of the Romans had been corrupted, that a *royal law*,<sup>79</sup> and an irrevocable gift of the people, were created by

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<sup>77</sup> Totam illam veterem et squalentem sylvam legum novis principum rescriptorum et edictorum securibus truncatis et cæditis, (Apologet. c. 4, p. 50, edit. Havercamp.) He proceeds to praise the recent firmness of Severus, who repealed the useless or pernicious laws, without any regard to their age or authority.

<sup>78</sup> The constitutional style of *Legibus Solutus* is misinterpreted by the art or ignorance of Dion Cassius, (tom. i. l. liii. p. 713.) On this occasion, his editor, Reimer, joins the universal censure which freedom and criticism have pronounced against that slavish historian.

<sup>79</sup> The word (*Lex Regia*) was still more recent than the *thing*. The slaves of Commodus or Caracalla would have started at the name of *royalty*.\*

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\* Yet a century before, Domitian was called not only by Martial, but

the fancy of Ulpian, or more probably of Tribonian himself; and the origin of Imperial power, though false in fact, and slavish in its consequence, was supported on a principle of freedom and justice. "The pleasure of the emperor has the vigor and effect of law, since the Roman people, by the royal law, have transferred to their prince the full extent of their own power and sovereignty."<sup>41</sup> The will of a single man, of a child perhaps, was allowed to prevail over the wisdom of ages and the inclinations of millions; and the degenerate Greeks were proud to declare, that in his hands alone the arbitrary exercise of legislation could be safely deposited. "What interest or passion," exclaims Theophilus in the court of Justinian, "can reach the calm and sublime elevation of the monarch? He is already master of the lives and fortunes of his subjects; and those who have incurred his displeasure are already numbered with the dead."<sup>42</sup> Disdaining the language of flattery, the historian may confess, that in questions of private jurisprudence, the absolute sovereign of a great empire can seldom be influenced by any personal considerations. Virtue, or even reason, will suggest to his impartial mind, that he is the guardian of peace and equity, and that the interest of society is inseparably connected with his own. Under the weakest and most vicious reign, the seat of justice was filled by the wisdom and integrity of Papinian and Ulpian;<sup>43</sup> and the

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<sup>41</sup> See Gravina (Opp. p. 501—512) and Beaufort, (*République Romaine*, tom. i. p. 255—274.) He has made a proper use of two dissertations by John Frederic Gronovius and Noodt, both translated, with valuable notes, by Barbeyrac, 2 vols. in 12mo. 1781.

<sup>42</sup> Institut. l. i. tit. ii. No. 6. Pandect. l. i. tit. iv. leg. 1. Cod. Justinian, l. i. tit. xvii. leg. 1, No. 7. In his Antiquities and Elements, Heineccius has amply treated de constitutionibus principum, which are illustrated by Godefroy (Comment. ad Cod. Theodos. l. i. tit. i. ii. iii.) and Gravina, (p. 87—90.)\*

<sup>43</sup> Theophilus, in Paraphras. Græc. Institut. p. 33, 34, edit. Reitz. For his person, time, writings, see the Theophilus of J. H. Mylius, Excurs. iii. p. 1034—1078.

<sup>44</sup> There is more envy than reason in the complaint of Macrinus (Jul. Capitolin. c. 18.) *Nefas esse leges videri Commodi et Caracallæ*

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even in public documents, *Dominus et Deus Noster*. Sueton. Domit. cap. 13. Hugo.—W.

\* Gaius (see note \*, p. 313) asserts that the Imperial edict or rescript has, and always had, the force of law, because the Imperial authority rests upon law. *Constitutio principis est, quod imperator decreto vel edicto, vel epistola constituit, nec unquam dubitatum, quin id legis vicem obtineat, cum ipse imperator per legem imperium accipiat.* Gaius, 6 Institut. i. 2.—M.

purest materials of the Code and Pandects are inscribed with the names of Caracalla and his ministers." The tyrant of Rome was sometimes the benefactor of the provinces. A dagger terminated the crimes of Domitian; but the prudence of Nerva confirmed his acts, which, in the joy of their deliverance, had been rescinded by an indignant senate." Yet in the *rescripts*," replies to the consultations of the magistrates, the wisest of princes might be deceived by a partial exposition of the case. And this abuse, which placed their hasty decisions on the same level with mature and deliberate acts of legislation, was ineffectually condemned by the sense and example of Trajan. The *rescripts* of the emperor, his *grants* and *decrees*, his *edicts* and *pragmatic sanctions*, were subscribed in purple ink," and transmitted to the provinces as general or special laws, which the magistrates were bound to execute, and the people to obey. But as their number continually multiplied, the rule of obedience became each day more doubtful and obscure, till the will of the sovereign was fixed and ascertained in the Gregorian, the Hermogenian, and the Theodosian codes.\* The two first, of which some frag-

et hominum imperitorum voluntates. Commodus was made a Divus by Severus, (Dodwell, *Prælect.* viii. p. 324, 325.) Yet he occurs only twice in the Pandects.

" Of Antoninus Caracalla alone 200 constitutions are extant in the Code, and with his father 160. These two princes are quoted fifty times in the Pandects, and eight in the Institutes, (Terasson, p. 265.)

" Plin. *Secund.* *Epistol.* x. 66. Sueton. in Domitian. c. 23.

" It was a maxim of Constantine, *contra jus rescripta non valeant*, (Cod. Theodos. l. i. tit. ii. leg. 1.) The emperors reluctantly allow some scrutiny into the law and the fact, some delay, petition, &c.; but these insufficient remedies are too much in the discretion and at the peril of the judge.

" A compound of vermilion and cinnabar, which marks the Imperial diplomas from Leo I. (A. D. 470) to the fall of the Greek empire, (Bibliothèque Raisonnée de la Diplomatie, tom. i. p. 504—515 Lami, de *Eruditione Apostolorum*, tom. ii. p. 720—726.)

\* Savigny states the following as the authorities for the Roman law at the commencement of the fifth century:—

1. The writings of the jurists, according to the regulations of the Constitution of Valentinian III., first promulgated in the West, but by its admission into the Theodosian Code established likewise in the East. (This Constitution established the authority of the five great jurists, Papinian, Paulus, Caius, Ulpian, and Modestinus as interpreters of the ancient law.

" " In case of difference of opinion among these five, a majority decided the case; where they were equal, the opinion of Papinian, where he was silent, the judge; but see p. 40, and Hugo, vol. ii. p. 89.)

2. The Gregorian and Hermogenian Collection of the Imperial *Rescripts*.

ments have escaped, were framed by two private lawyers, to preserve the constitutions of the Pagan emperors from Adrian to Constantine. The third, which is still extant, was digested in sixteen books by the order of the younger Theodosius to consecrate the laws of the Christian princes from Constantine to his own reign. But the three codes obtained an equal authority in the tribunals; and any act which was not included in the sacred deposit might be disregarded by the judge as spurious or obsolete.<sup>40</sup>

Among savage nations, the want of letters is imperfectly supplied by the use of visible signs, which awaken attention, and perpetuate the remembrance of any public or private transaction. The jurisprudence of the first Romans exhibited the scenes of a pantomime; the words were adapted to the gestures, and the slightest error or neglect in the forms of proceeding was sufficient to annul the *substance* of the fairest claim. The communion of the marriage-life was denoted by the necessary elements of fire and water;<sup>41</sup> and the divorced wife resigned the bunch of keys, by the delivery of which she had been invested with the government of the family. The manumission of a son, or a slave, was performed by turning him round with a gentle blow on the cheek; a work was prohibited by the casting of a stone; prescription was interrupted by the breaking of a branch; the clinched fist was the symbol of a pledge or deposit; the right hand was the gift of faith and confidence. The indenture of covenants was a broken straw; weights and scales were introduced into every payment, and the heir who accepted a testament was sometimes obliged to snap his fingers, to cast away his garments, and to leap or dance with real or affected transport.<sup>42</sup> If a

<sup>40</sup> Schulting, *Jurisprudentia Ante-Justiniana*, p. 681—718. Cujacius assigned to Gregory the reigns from Hadrian to Gallienus, and the continuation to his fellow-laborer Hermogenes. This general division may be just, but they often trespassed on each other's ground.

<sup>41</sup> Sævola, most probably Q. Cervidius Sævola; the master of Papinian considers this acceptance of fire and water as the essence of marriage, (Pandect. l. xxiv. tit. 1, leg. 66. See Heineccius, *Hist. J. R.* No. 317.)

<sup>42</sup> Cicero (*de Officiis*, iii. 19) may state an ideal case, but St. Ambrose (*de Officiis*, iii. 2,) appeals to the practice of his own times,

3. The Code of Theodosius II.

4. The particular Novellæ, as additions and Supplements to this Code. Davigny, vol. i. p. 10.—M.

citizen pursued any stolen goods into a neighbor's house, he concealed his nakedness with a linen towel, and hid his face with a mask or basin, lest he should encounter the eyes of a virgin or a matron.\* In a civil action the plaintiff touched the ear of his witness, seized his reluctant adversary by the neck, and implored, in solemn lamentation, the aid of his fellow-citizens. The two competitors grasped each other's hand as if they stood prepared for combat before the tribunal of the prætor; he commanded them to produce the object of the dispute; they went, they returned with measured steps, and a clod of earth was cast at his feet to represent the field for which they contended. This occult science of the words and actions of law was the inheritance of the pontiffs and patricians. Like the Chaldean astrologers, they announced to their clients the days of business and repose; these important

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which he understood as a lawyer and a magistrate, (Schulting ad Ulpian, Fragment. tit. xxii. No. 28, p. 643, 644.)\*

\* The furtum lance licioque conceptum was no longer understood in the time of the Antonines, (Aulus Gellius, xvi. 10.) The Attic derivation of Heineccius, (Antiquitat. Rom. l. iv. tit. i. No. 18—21) is supported by the evidence of Aristophanes, his scholiast, and Pollux;†

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\* In this passage the author has endeavored to collect all the examples of judicial formularies which he could find. That which he adduces as the form of *cretio hereditatis* is absolutely false. It is sufficient to glance at the passage in Cicero which he cites, to see that it has no relation to it. The author appeals to the opinion of Schulting, who, in the passage quoted, himself protests against the ridiculous and absurd interpretation of the passage in Cicero, and observes that Grævius had already well explained the real sense. See in Gaius the form of *cretio hereditatis* Inst. l. ii. p. 166.—W.

† Nothing more is known of this ceremony; nevertheless we find that already in his own days Gaius turned it into ridicule. He says, (lib. iii. et p. 192, § 293,) *prohibiti actio quadrupli ex edicto prætoris introducta est; lex autem eo nomine nullam pœnam constituit. Hoc solum præcepit, ut qui quærere velit, nudus quærat, linteo cinctus, lancem habens; qui si quid inveniit, jubet id lex furtum manifestum esse. Quid sit autem linteum? quæsitum est. Sed verius est consuti genus esse, quo necessariæ partes tegerentur. Quare lex tota ridicula est. Nam qui vestitum quærere prohibet, is et nudum quærere prohibetur est; eo magis, quod ita quæsitæ res inventa majori pœnæ subjiciatur. Deinde quod lancem sive ideo haberi jubet, ut manibus occupatis nihil subjiciatur, sive ideo, ut quod inveniit, ibi imponat, neutrum eorum procedit, si id quod quærat, ejus magnitudinis aut naturæ sit ut neque subjici, neque ibi imponi possit. Certe non dubitatur, cujuscunque materiæ sit ea lanx, satis legi fieri. We see moreover, from this passage, that the basin, as most authors, resting on the authority of Festus, have supposed, was not used to cover the figure. —W. Gibbon says the face, though equally inaccurately. This passage of Gaius, I must observe, as well as others in M. Warnkönig's work, is very inaccurately printed.—M.*



trifles were interwoven with the religion of Numa; and after the publication of the Twelve Tables, the Roman people was still enslaved by the ignorance of judicial proceedings. The treachery of some plebeian officers at length revealed the profitable mystery: in a more enlightened age, the legal actions were derided and observed; and the same antiquity which sanctified the practice, obliterated the use and meaning of this primitive language."

A more liberal art was cultivated, however, by the sages of Rome, who, in a stricter sense, may be considered as the authors of the civil law. The alteration of the idiom and manners of the Romans rendered the style of the Twelve Tables less familiar to each rising generation, and the doubtful passages were imperfectly explained by the study of legal antiquarians. To define the ambiguities, to circumscribe the latitude, to apply the principles, to extend the consequences, to reconcile the real or apparent contradictions, was a much nobler and more important task; and the province of legislation was silently invaded by the expounders of ancient statutes. Their subtle interpretations concurred with the equity of the prætor, to reform the tyranny of the darker ages: however strange or intricate the means, it was the aim of artificial jurisprudence to restore the simple dictates of nature and reason, and the skill of private citizens was usefully employed to undermine the public institutions of their country.† The revolution of almost one thousand years, from the Twelve Tables to the reign of Justinian, may be divided into three periods, almost

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" In his Oration for Murena, (c. 9—13,) Cicero turns into ridicule the forms and mysteries of the civilians, which are represented with more candor by Aulus Gellius, (Noct. Attic. xx. 10,) Gravina, (Opp. p. 265, 266, 267,) and Heineccius, (Antiquitat. l. iv. tit. vi.\*)"

\* Gibbon had conceived opinions too decided against the forms of procedure in use among the Romans. Yet it is on these solemn forms that the certainty of laws has been founded among all nations. Those of the Romans were very intimately allied with the ancient religion, and must of necessity have disappeared as Rome attained a higher degree of civilization. Have not modern nations, even the most civilized, overloaded their laws with a thousand forms, often absurd, almost always trivial? How many examples are afforded by the English law! See, on the nature of these forms, the work of M. de Savigny on the Vocation of our Age for Legislation and Jurisprudence, Heidelberg, 1814, p. 9, 10.—W. This work of M. Savigny has been translated into English by Mr. Hayward.—M.

† Compare, or the *Responsa Prudentum*, Warnkönig, *Histoire Externe du Droit Romain* Bruxelles, 1836, p. 122.—M.

equal in duration, and distinguished from each other by the mode of instruction and the character of the civilians.<sup>88</sup> Pride and ignorance contributed, during the first period, to confine within narrow limits the science of the Roman law. On the public days of market or assembly, the masters of the art were seen walking in the forum ready to impart the needful advice to the meanest of their fellow-citizens, from whose votes, on a future occasion, they might solicit a grateful return. As their years and honors increased, they seated themselves at home on a chair or throne, to expect with patient gravity the visits of their clients, who at the dawn of day, from the town and country, began to thunder at their door. The duties of social life, and the incidents of judicial proceeding, were the ordinary subject of these consultations, and the verbal or written opinion of the *juris-consults* was framed according to the rules of prudence and law. The youths of their own order and family were permitted to listen; their children enjoyed the benefit of more private lessons, and the Mucian race was long renowned for the hereditary knowledge of the civil law. The second period, the learned and splendid age of jurisprudence, may be extended from the birth of Cicero to the reign of Severus Alexander. A system was formed, schools were instituted, books were composed, and both the living and the dead became subservient to the instruction of the student. The *tripartite* of Ælius Pætus, surnamed Catus, or the Cunning, was preserved as the oldest work of jurisprudence. Cato the

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<sup>88</sup> The series of the civil lawyers is deduced by Pomponius, (de Origine Juris Pandect. l. i. tit. ii.) The moderns have discussed, with learning and criticism, this branch of literary history; and among these I have chiefly been guided by Gravina (p. 41—79) and Heineccius, (Hist. J. R. No. 113—351.) Cicero, more especially in his books de Oratore, de Claris Oratoribus, de Legibus, and the Clavis Ciceroniana of Ernesti (under the names of *Mucius*, &c.) afford much genuine and pleasing information. Horace often alludes to the morning labors of the civilians, (Serm. l. i. 10, Epist. II. i. 103, &c.)

Agricolam laudat juris legumque peritus  
Sub galli cantum, consultor ubi ostra pulsat.

Romæ dulces diu fuit et solemne, reclusæ  
Mane domo vigilare, clienti promere jura.\*

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\* It is particularly in this division of the history of the Roman *juris* prudence into epochs, that Gibbon displays his profound knowledge of the laws of this people. M. Hugo, adopting this division, prefaced *three* periods with the history of the times anterior to the Law of the Twelve Tables, which are, as it were, the infancy of the Roman law.—W

ensor derived some additional fame from his legal studies, and those of his son: the kindred appellation of Mucius Scævola was illustrated by three sages of the law; but the perfection of the science was ascribed to Servius Sulpicius, their disciple, and the friend of Tully; and the long succession, which shone with equal lustre under the republic and under the Cæsars, is finally closed by the respectable characters of Papinian, of Paul, and of Ulpian. Their names, and the various titles of their productions, have been minutely preserved, and the example of Labeo may suggest some idea of their diligence and fecundity. That eminent lawyer of the Augustan age divided the year between the city and country, between business and composition; and four hundred books are enumerated as the fruit of his retirement. Of the collection of his rival Capito, the two hundred and fifty-ninth book is expressly quoted; and few teachers could deliver their opinions in less than a century of volumes. In the third period, between the reigns of Alexander and Justinian, the oracles of jurisprudence were almost mute. The measure of curiosity had been filled: the throne was occupied by tyrants and Barbarians, the active spirits were diverted by religious disputes, and the professors of Rome, Constantinople, and Berytus, were humbly content to repeat the lessons of their more enlightened predecessors. From the slow advances and rapid decay of these legal studies, it may be inferred, that they require a state of peace and refinement. From the multitude of voluminous civilians who fill the intermediate space, it is evident that such studies may be pursued, and such works may be performed, with a common share of judgment, experience, and industry. The genius of Cicero and Virgil was more sensibly felt, as each revolving age had been found incapable of producing a similar or a second: but the most eminent teachers of the law were assured of leaving disciples equal or superior to themselves in merit and reputation.

The jurisprudence which had been grossly adapted to the wants of the first Romans, was polished and improved in the seventh century of the city, by the alliance of Grecian philosophy. The Scævolas had been taught by use and experience; but Servius Sulpicius \* was the first civilian who established

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\* M. Hugo thinks that the ingenious system of the Institutes adopted by a great number of the ancient lawyers, and by Justinian himself, dates from Servius Sulpicius. *Hist du Droit Romain*, vol. iii. p. 119.—W.

his art on a certain and general theory.<sup>54</sup> For the discernment of truth and falsehood he applied, as an infallible rule, the logic of Aristotle and the stoics, reduced particular cases to general principles, and diffused over the shapeless mass the light of order and eloquence. Cicero, his contemporary and friend, declined the reputation of a professed lawyer; but the jurisprudence of his country was adorned by his incomparable genius, which converts into gold every object that it touches. After the example of Plato, he composed a republic; and, for the use of his republic, a treatise of laws; in which he labors to deduce from a celestial origin the wisdom and justice of the Roman constitution. The whole universe, according to his sublime hypothesis, forms one immense commonwealth: gods and men, who participate of the same essence, are members of the same community; reason prescribes the law of nature and nations; and all positive institutions, however modified by accident or custom, are drawn from the rule of right, which the Deity has inscribed on every virtuous mind. From these philosophical mysteries, he mildly excludes the sceptics who refuse to believe, and the epicureans who are unwilling to act. The latter disdain the care of the republic: he advises them to slumber in their shady gardens. But he humbly entreats that the new academy would be silent, since her bold objections would too soon destroy the fair and well-ordered structure of his lofty system.<sup>55</sup> Plato, Aristotle, and Zeno, he represents as the only teachers who arm and instruct a citizen for the duties of social life. Of these, the armor of "the stoics" was found to be of the firmest temper; and it was chiefly worn, both for use and ornament, in the schools

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<sup>54</sup> Crassus, or rather Cicero himself, proposes (*de Oratore*, i. 41, 42) an idea of the art or science of jurisprudence, which the eloquent, but illiterate, Antonius (i. 58) affects to deride. It was partly executed by Servius Sulpicius, (in Bruto, c. 41,) whose praises are elegantly varied in the classic Latinity of the Roman Gravina, (p. 60.)

<sup>55</sup> *Perturbatricem autem omnium harum rerum academiam, hanc ab Arcesila et Carneade recentem, exoremus ut sileat, nam si invaserit in hæc, quæ satis scite instructa et composita videantur, nimis edet ruinas, quam quidem ego placare cupio, submovere non audeo,* (*de Legibus*, i. 13.) From this passage alone, Bentley (*Remarks on Freethinking*, p. 250) might have learned how firmly Cicero believed in the specious doctrines which he has adorned.

<sup>56</sup> The stoic philosophy was first taught at Rome by Panætius, the friend of the younger Scipio, (see his life in the *Mém. de l'Académie des inscriptions*, tom. x. p. 75—89.)

of jurisprudence. From the portico, the Roman civilians learned to live, to reason, and to die: but they imbibed in some degree the prejudices of the sect; the love of paradox, the pertinacious habits of dispute, and a minute attachment to words and verbal distinctions. The superiority of *form* to *matter* was introduced to ascertain the right of property: and the equality of crimes is countenanced by an opinion of Trebatius,\* that he who touches the ear, touches the whole body; and that he who steals from a heap of corn, or a hogshead of wine, is guilty of the entire theft.\*\*

Arms, eloquence, and the study of the civil law, promoted a citizen to the honors of the Roman state; and the three professions were sometimes more conspicuous by their union in the same character. In the composition of the edict, a learned prætor gave a sanction and preference to his private sentiments; the opinion of a censor, or a counsel, was entertained with respect; and a doubtful interpretation of the laws might be supported by the virtues or triumphs of the civilian. The patrician arts were long protected by the veil of mystery; and in more enlightened times, the freedom of inquiry established the general principles of jurisprudence. Subtile and intricate cases were elucidated by the disputes of the forum: rules, axioms, and definitions,\*\* were admitted as the genuine dictates of reason; and the consent of the legal

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\* As he is quoted by Ulpian, (leg. 40, ad Sabinum in Pandect. l. xlvii. tit. ii. leg. 21.) Yet Trebatius, after he was a leading civilian, qui familiam duxit, became an epicurean, (Cicero ad Fam. vii. 5.) Perhaps he was not constant or sincere in his new sect.\*

\*\* See Gravina (p. 45—51) and the ineffectual cavils of Mascon. Heineccius (Hist. J. R. No. 125) quotes and approves a dissertation of Everard Otto, de Stoicâ Jurisconsultorum Philosophiâ.

\*\* We have heard of the Catonian rule, the Aquilian stipulation, and the Manilian forms, of 211 maxims, and of 247 definitions, (Pandect. l. i. tit. xvi. xvii.)

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\* Gibbon had entirely misunderstood this phrase of Cicero. It was only since his time that the real meaning of the author was apprehended. Cicero, in enumerating the qualifications of Trebatius, says, Accedit etiam, quod familiam ducit in jure civili, singularis memoria, summa scientia, which means that Trebatius possessed a still further most important qualification for a student of civil law, a remarkable memory, &c. This explanation, already conjectured by G. Menage, Amœnit. Juris Civilis, c. 14, is found in the dictionary of Scheller, v. Familia, and in the History of the Roman Law by M. Hugo. Many authors have asserted, without any proof sufficient to warrant the conjecture, that Trebatius was of the school of Epicurus — W

future notice: the Twelve Tables and prætorian edicts insensibly vanished, and the monuments of ancient Rome were neglected or destroyed by the envy and ignorance of the Greeks. Even the Pandects themselves have escaped with difficulty and danger from the common shipwreck, and criticism has pronounced that *all* the editions and manuscripts of the West are derived from *one* original.<sup>86</sup> It was transcribed at Constantinople in the beginning of the seventh century,<sup>87</sup> was successively transported by the accidents of war and commerce to Amalphi,<sup>88</sup> Pisa,<sup>89</sup> and Florence,<sup>90</sup> and is now deposited as a sacred relic<sup>91</sup> in the ancient palace of the republic.<sup>92</sup>

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<sup>86</sup> *All*, in several instances, repeat the errors of the scribe and the transpositions of some leaves in the Florentine Pandects. This fact, if it be true, is decisive. Yet the Pandects are quoted by Ivo of Chartres, (who died in 1117,) by Theobald, archbishop of Canterbury, and by Vacarius, our first professor, in the year 1140, (Selden ad Fletam, c. 7, tom. ii. p. 1080—1085.) Have our British MSS. of the Pandects been collated?

<sup>87</sup> See the description of this original in Brenckman, (Hist. Pandect. Florent. l. i. c. 2, 3, p. 4—17, and l. ii.) Politian, an enthusiast, revered it as the authentic standard of Justinian himself, (p. 407, 408;) but this paradox is refuted by the abbreviations of the Florentine MS. (l. ii. c. 3, p. 117—130.) It is composed of two quarto volumes, with large margins, on a thin parchment, and the Latin characters betray the hand of a Greek scribe.

<sup>88</sup> Brenckman, at the end of his history, has inserted two dissertations on the republic of Amalphi, and the Pisan war in the year 1135, &c.

<sup>89</sup> The discovery of the Pandects at Amalphi (A. D. 1137) is first noticed (in 1501) by Ludovicus Bologninus, (Brenckman, l. i. c. 11, p. 73, 74, l. iv. c. 2, p. 417—425,) on the faith of a Pisan chronicle, (p. 409, 410,) without a name or a date. The whole story,\* though unknown to the xiith century, embellished by ignorant ages, and suspected by rigid criticism, is not, however, destitute of much internal probability, (l. i. c. 4—8, p. 17—50.) The Liber Pandectarum of Pisa was undoubtedly consulted in the xivth century by the great Bartolus, (p. 406, 407. See l. i. c. 9, p. 50—62.)

<sup>90</sup> Pisa was taken by the Florentines in the year 1406; and in 1411 the Pandects were transported to the capital. These events are authentic and famous.

<sup>91</sup> They were new bound in purple, deposited in a rich casket, and shown to curious travellers by the monks and magistrates bareheaded, and with lighted tapers, (Brenckman, l. i. c. 10, 11, 12, p. 62—93.)

<sup>92</sup> After the collations of Politian, Bologninus, and Antoninus Augustus

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\* Savigny (vol. iii. p. 83, 89) examines the whole story: See likewise Hallam vol. iii. p. 514.—M.

It is the first care of a reformer to prevent any future reformation. To maintain the text of the Pandects, the Institutes, and the Code, the use of ciphers and abbreviations was rigorously proscribed; and as Justinian recollected, that the perpetual edict had been buried under the weight of commentators, he denounced the punishment of forgery against the rash civilians who should presume to interpret or pervert the will of their sovereign. The scholars of Accursius, of Bartolus, of Cujacius, should blush for their accumulated guilt, unless they dare to dispute his right of binding the authority of his successors, and the native freedom of the mind. But the emperor was unable to fix his own inconstancy; and, while he boasted of renewing the exchange of Diomede, of transmuting brass into gold," discovered the necessity of purifying his gold from the mixture of baser alloy. Six years had not elapsed from the publication of the Code, before he condemned the imperfect attempt, by a new and more accurate edition of the same work; which he enriched with two hundred of his own laws, and fifty decisions of the darkest and most intricate points of jurisprudence. Every year, or, according to Procopius, each day, of his long reign, was marked by some legal innovation. Many of his acts were rescinded by himself; many were rejected by his successors; many have been obliterated by time; but the number of sixteen EDICTS, and one hundred and sixty-eight NOVELS," has been admitted into the authentic body of the civil jurisprudence. In the opinion of a philosopher superior to the prejudices of his profession, these incessant, and, for the

tinus, and the splendid edition of the Pandects by Taurellus. (in 1561.) Henry Brenckman, a Dutchman, undertook a pilgrimage to Florence, where he employed several years in the study of a single manuscript. His *Historia Pandectarum Florentinorum*, (Utrecht, 1722, in 4to.,) though a monument of industry, is a small portion of his original design.

" *Ἄρματα χαλκείων, ἐκατόμβαι' ἐννεαβοίων*, apud Homerum patrem omnis virtutis, (1st Præfat. ad Pandect.) A line of Milton or Tasso would surprise us in an act of parliament. Quæ omnia obtinere sancimus in omne ævum. Of the first Code, he says, (2d Præfat.,) in æternum valitutum. Man and forever!

" *Novellæ* is a classic adjective, but a barbarous substantive, (Ludewig, p. 245.) Justinian never collected them himself; the nine collations, the legal standard of modern tribunals, consist of ninety-eight Novels; but the number was increased by the diligence of Julian, Harlander, and Contius, (Ludewig, p. 249, 258 Aleman. Not in Amer. lot. p. 98.)

sacred liberality of the emperor or empress. The life of a citizen was less exposed than his fortune to the abuse of paternal power. Yet his life might be adverse to the interest or passions of an unworthy father: the same crimes that flowed from the corruption, were more sensibly felt by the humanity, of the Augustan age; and the cruel Erixo, who whipped his son till he expired, was saved by the emperor from the just fury of the multitude.<sup>109</sup> The Roman father, from the license of servile dominion, was reduced to the gravity and moderation of a judge. The presence and opinion of Augustus confirmed the sentence of exile pronounced against an intentional parricide by the domestic tribunal of Arius. Adrian transported to an island the jealous parent, who, like a robber, had seized the opportunity of hunting, to assassinate a youth, the incestuous lover of his step-mother.<sup>110</sup> A private jurisdiction is repugnant to the spirit of monarchy; the parent was again reduced from a judge to an accuser; and the magistrates were enjoined by Severus Alexander to hear his complaints and execute his sentence. He could no longer take the life of a son without incurring the guilt and punishment of murder; and the pains of parricide, from which he had been excepted by the Pompeian law, were finally inflicted by the justice of Constantine.<sup>111</sup> The same protection was due to every period of existence; and reason must applaud the humanity of Paulus, for imputing the crime of murder to the father who strangles, or starves, or abandons his new-born infant; or exposes him in a public place to find the mercy which he himself had denied. But the exposition of children was the prevailing and stubborn vice of antiquity: it was sometimes prescribed, often permitted, almost always practised with impunity, by the nations who never entertained the Roman ideas of paternal power; and the dramatic poets, who

<sup>109</sup> The examples of Erixo and Arius are related by Seneca, (de Clementia, i. 14, 15,) the former with horror, the latter with applause.

<sup>110</sup> Quod latronis magis quam patris jure eum interfecit, nam patris potestas in pietate debet non in atrocitate consistere, (Marcian. Institut. l. xix. in Pandect. l. xlviii. tit. ix. leg. 5.)

<sup>111</sup> The Pompeian and Cornelian laws de *sicariis* and *parricidis* are repeated, or rather abridged, with the last supplements of Alexander Severus, Constantine, and Valentinian, in the Pandects (l. xlviii. tit. viii. in.) and Code, (l. ix. tit. xvi. xvii.) See likewise the Theodosian Code, (l. ix. tit. xiv. xv.) with Godefroy's Commentary, (tom. iii. p. 84-118,) who pours a flood of ancient and modern learning over these laws.



appeal to the human heart, represent with indifference as a popular custom which was palliated by the motives of economy and compassion.<sup>112</sup> If the father could subdue his own feelings, he might escape, though not the censure, at least the chastisement, of the laws; and the Roman empire was stained with the blood of infants, till such murders were included, by Valentinian and his colleagues, in the letter and spirit of the Cornelian law. The lessons of jurisprudence<sup>113</sup> and Christianity had been insufficient to eradicate this inhuman practice, till their gentle influence was fortified by the terrors of capital punishment.<sup>114</sup>

Experience has proved, that savages are the tyrants of the female sex, and that the condition of women is usually softened by the refinements of social life. In the hope of a robust progeny, Lycurgus had delayed the season of marriage: it was fixed by Numa at the tender age of twelve years, that the Roman husband might educate to his will a pure and obedient virgin.<sup>115</sup> According to the custom of antiquity, he bought his bride of her parents, and she fulfilled the *comproption* by purchasing, with three pieces of copper, a just introduction to his house and household deities. A sacrifice of fruits was offered by the pontiffs in the presence of ten witnesses; the contracting parties were seated on the same sheep-skin; they tasted a salt cake of *far* or rice; and this *confractio*,<sup>116</sup>

<sup>112</sup> When the Chremes of Terence reproaches his wife for not obeying his orders and exposing their infant, he speaks like a father and a master, and silences the scruples of a foolish woman. See Apuleius, (*Metamorph.* l. x. p. 337, edit. Delphin.)

<sup>113</sup> The opinion of the lawyers, and the discretion of the magistrates, had introduced, in the time of Tacitus, some legal restraints, which might support his contrast of the *boni mores* of the Germans to the *bonæ leges* alibi — that is to say, at Rome, (*de Moribus Germanorum*, c. 19.) Tertullian (*ad Nationes*, l. i. c. 15) refutes his own charges, and those of his brethren, against the heathen jurisprudence.

<sup>114</sup> The wise and humane sentence of the civilian Paul (l. ii. *Sententiarum* in *Pandect.* l. xxv. tit. iii. leg. 4) is represented as a mere moral precept by Gerard Noodt, (*Opp. tom. i.* in Julius Paulus, p. 567—588, and *Amica Responsio*, p. 591—606.) who maintains the opinion of Justus Lipsius, (*Opp. tom. ii.* p. 409, *ad Belgas. cent. i. epist. 85.*) and as a positive binding law by Bynkershoek, (*de Jure occidendi Licosos*, *Opp. tom. i.* p. 318—340. *Curæ Secundæ*, p. 391—427.) In a learned and angry controversy, the two friends deviated into the opposite extremes.

<sup>115</sup> Dionys. Hal. l. ii. p. 92, 93. Plutarch, in Numa, p. 140, 141. *Ὁ παῖς ἔχει καὶ τὸ ἥθος κάθαρον καὶ ἄβλατον ἐν τῷ γαμοῦντι γίνεσθαι.*

<sup>116</sup> Among the winter *frumenta*, the *tritium*, or bearded wheat, the

which denoted the ancient food of Italy, served as an emblem of their mystic union of mind and body. But this union on the side of the woman was rigorous and unequal; and she renounced the name and worship of her father's house, to embrace a new servitude, decorated only by the title of adoption, a fiction of the law, neither rational nor elegant, bestowed on the mother of a family<sup>117</sup> (her proper appellation) the strange characters of sister to her own children, and of daughter to her husband or master, who was invested with the plenitude of paternal power. By his judgment or caprice her behavior was approved, or censured, or chastised; he exercised the jurisdiction of life and death; and it was allowed, that in the cases of adultery or drunkenness,<sup>118</sup> the sentence might be properly inflicted. She acquired and inherited for the sole profit of her lord; and so clearly was woman defined, not as a *person*, but as a *thing*, that, if the original title were deficient, she might be claimed, like other movables, by the *use* and possession of an entire year. The inclination of the Roman husband discharged or withheld the conjugal debt, so scrupulously exacted by the Athenian and Jewish laws:<sup>119</sup> but as polygamy was unknown, he could never admit to his bed a fairer or a more favored partner.

After the Punic triumphs, the matrons of Rome aspired to the common benefits of a free and opulent republic: their wishes were gratified by the indulgence of fathers and lovers, and their ambition was unsuccessfully resisted by the gravity

*siligo*, or the unbearded; the *far*, *adorea*, *oryza*, whose description perfectly tallies with the rice of Spain and Italy. I adopt this identity on the credit of M. Paucton in his useful and laborious *Métrologie*, (p. 517—529.)

<sup>117</sup> Aulus Gellius (*Noctes Atticæ*, xviii. 6) gives a ridiculous definition of *Ælius Melissus*, *Matrona*, quæ semel *materfamilias* quæ sæpius peperit, as porcestra and scropha in the sow kind. He then adds the genuine meaning, quæ in matrimonium vel in manum convenerat.

<sup>118</sup> It was enough to have tasted wine, or to have stolen the key of the cellar, (Plin. *Hist. Nat.* xiv. 14.)

<sup>119</sup> Solon requires three payments per month. By the *Misna*, a daily debt was imposed on an idle, vigorous, young husband; twice a week on a citizen; once on a peasant; once in thirty days on a camel-driver; once in six months on a seaman. But the student or doctor was free from tribute; and *no* wife, if she received a *weekly* sustenance, could sue for a divorce; for one week a vow of abstinence was allowed. Polygamy divided, without multiplying, the duties of the husband, (Selden. *Uxor Ebraica*, l. iii. c. 6, in his works, vol. ii. p. 717--720.)

of Cato the Censor.<sup>120</sup> They declined the solemnities of the old nuptias; defeated the annual prescription by an absence of three days; and, without losing their name or independence, subscribed the liberal and definite terms of a marriage contract. Of their private fortunes, they communicated the use, and secured the property: the estates of a wife could neither be alienated nor mortgaged by a prodigal husband; their mutual gifts were prohibited by the jealousy of the laws; and the misconduct of either party might afford, under another name, a future subject for an action of theft. To this loose and voluntary compact, religious and civil rights were no longer essential; and, between persons of a similar rank, the apparent community of life was allowed as sufficient evidence of their nuptials. The dignity of marriage was restored by the Christians, who derived all spiritual grace from the prayers of the faithful and the benediction of the priest or bishop. The origin, validity, and duties of the holy institution were regulated by the tradition of the synagogue, the precepts of the gospel, and the canons of general or provincial synods;<sup>121</sup> and the conscience of the Christians was awed by the decrees and censures of their ecclesiastical rulers. Yet the magistrates of Justinian were not subject to the authority of the church: the emperor consulted the unbelieving civilians of antiquity, and the choice of matrimonial laws in the Code and Pandects, is directed by the earthly motives of justice, policy, and the natural freedom of both sexes.<sup>122</sup>

Besides the agreement of the parties, the essence of every rational contract, the Roman marriage required the previous

<sup>120</sup> On the Oppian law we may hear the mitigating speech of Valerius Flaccus, and the severe censorial oration of the elder Cato, (Liv. xxxiv. 1—8.) But we shall rather hear the polished historian of the eighth, than the rough orators of the sixth, century of Rome. The principles, and even the style, of Cato are more accurately preserved by Aulus Gellius, (x. 23.)

<sup>121</sup> For the system of Jewish and Catholic matrimony, see Selden, (*Uxor Ebraica*, Opp. vol. ii. p. 529—860,) Bingham, (*Christian Antiquities*, l. xxii.), and Chardon, (*Hist. des Sacrements*, tom. vi.)

<sup>122</sup> The civil laws of marriage are exposed in the Institutes, (l. i. tit. x.,) the Pandects, (l. xxiii. xxiv. xxv.,) and the Code, (l. v.;) but as the title *de ritu nuptiarum* is yet imperfect, we are obliged to explore the fragments of Ulpian (tit. ix. p. 590, 591,) and the *Collatio Legum Mosaicarum*, (tit. xvi. p. 790, 791,) with the notes of Pithæus and Schulting. They find in the Commentary of Servius (on the 1st *Georgic*: and the 4th *Æneid*) two curious passages.

approbation of the parents. A father might be forced by some recent laws to supply the wants of a mature daughter; but even his insanity was not gradually allowed to supersede the necessity of his consent. The causes of the dissolution of matrimony have varied among the Romans;<sup>133</sup> but the most solemn sacrament, the confarreation itself, might always be done away by rites of a contrary tendency. In the first ages, the father of a family might sell his children, and his wife was reckoned in the number of his children: the domestic judge might pronounce the death of the offender, or his mercy might expel her from his bed and house; but the slavery of the wretched female was hopeless and perpetual, unless he asserted for his own convenience the manly prerogative of divorce.<sup>134</sup> The warmest applause has been lavished on the virtue of the Romans, who abstained from the exercise of this tempting privilege above five hundred years:<sup>135</sup> but the same fact evinces the unequal terms of a connection in which the slave was unable to renounce her tyrant, and the tyrant was unwilling to relinquish his slave. When the Roman matrons became the equal and voluntary companions of their lords, a new jurisprudence was introduced, that marriage, like other partnerships, might be dissolved by the abdication of one of the associates. In three centuries of prosperity and corruption, this principle was enlarged to frequent practice and pernicious abuse. Passion, interest, or caprice, suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman, declared the separation; the most tender of human connections was degraded to a transient society of profit or pleasure. According to the vari-

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<sup>133</sup> According to Plutarch, (p. 57,) Romulus allowed only three grounds of a divorce—drunkenness, adultery, and false keys. Otherwise, the husband who abused his supremacy forfeited half his goods to the wife, and half to the goddess Ceres, and offered a sacrifice (with the remainder!) to the terrestrial deities. This strange law was either imaginary or transient.

<sup>134</sup> In the year of Rome 523, Spurius Carvilius Ruga repudiated a fair, a good, but a barren, wife, (Dionysius Hal. l. ii. p. 93. Plutarch, in Numa, p. 141; Valerius Maximus, l. ii. c. 1; Aulus Gellius, iv. 3.) He was questioned by the censors, and hated by the people; but his divorce stood unimpeached in law.

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Montesquieu relates and explains this fact in a different manner. *Esprit des Loix*, l. xvi. c. 16.—G.

ous conditions of life, both sexes alternately felt the disgrace and injury: an inconstant spouse transferred her wealth to a new family, abandoning a numerous, perhaps a spurious, progeny to the paternal authority and care of her late husband; a beautiful virgin might be dismissed to the world, old, indigent, and friendless; but the reluctance of the Romans, when they were pressed to marriage by Augustus, sufficiently marks, that the prevailing institutions were least favorable to the males. A specious theory is confuted by this free and perfect experiment, which demonstrates, that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence, and inflame every trifling dispute: the minute difference between a husband and a stranger, which might so easily be removed, might still more easily be forgotten; and the matron, who in five years can submit to the embraces of eight husbands, must cease to reverence the chastity of her own person.<sup>125</sup>

Insufficient remedies followed with distant and tardy steps the rapid progress of the evil. The ancient worship of the Romans afforded a peculiar goddess to hear and reconcile the complaints of a married life; but her epithet of *Viriplaca*,<sup>126</sup> the appeaser of husbands, too clearly indicates on which side submission and repentance were always expected. Every act of a citizen was subject to the judgment of the *censors*; the first who used the privilege of divorce assigned, at their command, the motives of his conduct;<sup>127</sup> and a senator was expelled for dismissing his virgin spouse without the knowledge

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— Sic fiunt octo mariti  
Quinque per autumnos.

Juvenal, Satir. vi. 20.

A rapid succession, which may yet be credible, as well as the non consulum numero, sed maritorum annos suos computant, of Seneca, (de Beneficiis, iii. 16.) Jerom saw at Rome a triumphant husband bury his twenty-first wife, who had interred twenty-two of his less sturdy predecessors, (Opp. tom. i. p. 90, ad Gerontium.) But the ten husbands in a month of the poet Martial, is an extravagant hyperbole, (l. vi. epigram 7.)

<sup>126</sup> Sacellum Viriplacæ, (Valerius Maximus, l. ii. c. 1.), in the Palatine region, appears in the time of Theodosius, in the description of Rome by Publius Victor.

<sup>127</sup> Valerius Maximus, l. ii. c. 9. With some propriety he judges divorce more criminal than celibacy: illo namque conjugalia sacra spreta tantum, hoc etiam injuriose tractata.

or advice of his friends. Whenever an action was instituted for the recovery of a marriage portion, the *prætor*, as the guardian of equity, examined the cause and the characters, and gently inclined the scale in favor of the guiltless and injured party. Augustus, who united the powers of both magistrates, adopted their different modes of repressing or chastising the license of divorce.<sup>128</sup> The presence of seven Roman witnesses was required for the validity of this solemn and deliberate act: if any adequate provocation had been given by the husband, instead of the delay of two years, he was compelled to refund immediately, or in the space of six months; but if he could arraign the manners of his wife, her guilt or levity was expiated by the loss of the sixth or eighth part of her marriage portion. The Christian princes were the first who specified the just causes of a private divorce; their institutions, from Constantine to Justinian, appear to fluctuate between the custom of the empire and the wishes of the church,<sup>129</sup> and the author of the Novels too frequently reforms the jurisprudence of the Code and Pandects. In the most rigorous laws, a wife was condemned to support a gamester, a drunkard, or a libertine, unless he were guilty of homicide, poison, or sacrilege, in which cases the marriage, as it should seem, might have been dissolved by the hand of the executioner. But the sacred right of the husband was invariably maintained, to deliver his name and family from the disgrace of adultery: the list of *mortal* sins, either male or female, was curtailed and enlarged by successive regulations, and the obstacles of incurable impotence, long absence, and monastic profession, were allowed to rescind the matrimonial obligation. Whoever transgressed the permission of the law, was subject to various and heavy penalties. The woman was stripped of her wealth and ornaments, without excepting the bodkin of her hair: if the man introduced a new bride into his bed, *her* fortune might be lawfully seized by the vengeance of his exiled wife. Forfeiture was sometimes commuted to a fine; the fine was sometimes aggravated by transportation to an island, or imprisonment in a monastery;

<sup>128</sup> See the laws of Augustus and his successors, in Heineccius, ad *Legem Papiam-Poppæam*, c. 19, in *Opp. tom. vi. P. i. p. 323-332*.

<sup>129</sup> *Aliæ sunt leges Cæsarum, aliæ Christi; aliud Papinianus, aliud Paulus nosse præcipit*, (Jerom. *tom. i. p. 198*. Selden, *Uxor Ebraica* (iii. c. 31 p. 847- 353.)

the injured party was released from the bonds of marriage; but the offender, during life, or a term of years, was disabled from the repetition of nuptials. The successor of Justinian yielded to the prayers of his unhappy subjects, and restored the liberty of divorce by mutual consent: the civilians were unanimous,<sup>120</sup> the theologians were divided,<sup>121</sup> and the ambiguous word, which contains the precept of Christ, is flexible to any interpretation that the wisdom of a legislator can demand.

The freedom of love and marriage was restrained among the Romans by natural and civil impediments. An instinct, almost innate and universal, appears to prohibit the incestuous commerce<sup>122</sup> of parents and children in the infinite series of ascending and descending generations. Concerning the oblique and collateral branches, nature is indifferent, reason mute, and custom various and arbitrary. In Egypt, the marriage of brothers and sisters was admitted without scruple or exception. a Spartan might espouse the daughter of his father, an Athenian, that of his mother; and the nuptials of an uncle with his niece were applauded at Athens as a happy union of the dearest relations. The profane lawgivers of

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<sup>120</sup> The Institutes are silent; but we may consult the Codes of Theodosius (l. iii. tit. xvi., with Godefroy's Commentary, tom. i. p. 310—315) and Justinian, (l. v. tit. xvii.,) the Pandects (l. xxiv. tit. ii.) and the Novels, (xxii. cxvii. cxxvii. cxxxiv. cxi.) Justinian fluctuated to the last between civil and ecclesiastical law.

<sup>121</sup> In pure Greek, *porneia* is not a common word; nor can the proper meaning, fornication, be strictly applied to matrimonial sin. In a figurative sense, how far, and to what offences, may it be extended? Did Christ speak the Rabbinical or Syriac tongue? Of what original word is *porneia* the translation? How variously is that Greek word translated in the versions ancient and modern! There are two (Mark, x. 11, Luke, xvi. 18) to one (Matthew, xix. 9) that such ground of divorce was not excepted by Jesus. Some critics have presumed to think, by an evasive answer, he avoided the giving offence either to the school of Sammai or to that of Hillel, (Selden, *Uxor Ebraica*, l. iii. c. 18—22, 28, 31.)\*

<sup>122</sup> The principles of the Roman jurisprudence are exposed by Justinian, (*Institut.* l. i. tit. x.;) and the laws and manners of the different nations of antiquity concerning forbidden degrees, &c., are copiously explained by Dr. Taylor in his *Elements of Civil Law*, (p. 108, §14—§39,) a work of amusing, though various reading; but which cannot be praised for philosophical precision.

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\* But these had nothing to do with the question of a divorce made by judicial authority.—Hugo.

Rome were never tempted by interest or superstition to multiply the forbidden degrees: but they inflexibly condemned the marriage of sisters and brothers, hesitated whether first cousins should be touched by the same interdict; revered the parental character of aunts and uncles,\* and treated affinity and adoption as a just imitation of the ties of blood. According to the proud maxims of the republic, a legal marriage could only be contracted by free citizens; an honorable, at least an ingenuous birth, was required for the spouse of a senator: but the blood of kings could never mingle in legitimate nuptials with the blood of a Roman; and the name of stranger degraded Cleopatra and Berenice,<sup>133</sup> to live the *concubines* of Mark Antony and Titus.<sup>134</sup> This appellation, indeed, so injurious to the majesty, cannot without indulgence be applied to the manners, of these Oriental queens. A concubine, in the strict sense of the civilians, was a woman of servile or plebeian extraction, the sole and faithful companion of a Roman citizen, who continued in a state of celibacy. Her modest station, below the honors of a wife, above the infamy of a prostitute, was acknowledged and approved by the laws: from the age of Augustus to the tenth century, the use of this secondary marriage prevailed both in the West and East; and the humble virtues of a concubine were often preferred to the pomp and insolence of a noble matron. In this connection, the two Antonines, the best of princes and of men, enjoyed the comforts of domestic love: the example was imitated by many citizens impatient of celibacy, but regardless of their families. If at any time they desired to legitimate their natural children, the conversion was instantly performed by the celebration of their nuptials with a partner whose

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<sup>133</sup> When her father Agrippa died, (A. D. 44.) Berenice was sixteen years of age, (Joseph. tom. i. Antiquit. Judaic. l. xix. c. 9, p. 952, edit. Havercamp.) She was therefore above fifty years old when Titus (A. D. 79) *invitus invitam inivit*. This date would not have adorned the tragedy or pastoral of the tender Racine.

<sup>134</sup> The *Ægyptia conjux* of Virgil (*Æneid*, viii. 688) seems to be numbered among the monsters who warred with Mark Antony against Augustus, the senate, and the gods of Italy.

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\* According to the earlier law, (Gaii Instit. p. 27.) a man might marry *à plece* on the brother's, not on the sister's, side. The emperor Claudius set the example of the former. In the Institutes, this distinction was abolished and both declared illegal.--M.



faithfulness and fidelity they had already tried.\* By this epithet of *natural*, the offspring of the concubine were distinguished from the spurious brood of adultery, prostitution, and incest, to whom Justinian reluctantly grants the necessary aliments of life; and these natural children alone were capable of succeeding to a sixth part of the inheritance of their reputed father. According to the rigor of law, bastards were entitled only to the name and condition of their mother, from whom they might derive the character of a slave, a stranger, or a citizen. The outcasts of every family were adopted without reproach as the children of the state.<sup>138</sup>

The relation of guardian and ward, or in Roman words of *tutor* and *pupil*, which covers so many titles of the Institutes and Pandects,<sup>139</sup> is of a very simple and uniform nature.

<sup>138</sup> The humble but legal rights of concubines and natural children are stated in the Institutes, (l. i. tit. x.) the Pandects, (l. i. tit. vii.) the Code, (l. v. tit. xxv.) and the Novels, (lxxiv. lxxxix.) The researches of Heineccius and Giannone, (ad Legem Juliam et Papiam-Poppæam, c. iv. p. 164—175. Opere Posthume, p. 108—158) illustrate this interesting and domestic subject.

<sup>139</sup> See the article of guardians and wards in the Institutes, (l. i. tit. xiii.—xxvi.) the Pandects, (l. xxvi. xxvii.) and the Code, (l. v. tit. xxviii.—lxx.)

\* The Edict of Constantine first conferred this right; for Augustus had prohibited the taking as a concubine a woman who might be taken as a wife; and if marriage took place afterwards, this marriage made no change in the rights of the children born before it; recourse was then had to adoption, properly called arrogation.—G.

† See, however, the two fragments of laws in the newly discovered extracts from the Theodosian Code, published by M. A. Peyron, at Turin. By the first law of Constantine, the legitimate offspring could alone inherit; where there were no near legitimate relatives, the inheritance went to the fiscus. The son of a certain Licinianus, who had inherited his father's property under the supposition that he was legitimate, and had been promoted to a place of dignity, was to be degraded, his property confiscated, himself punished with stripes and imprisonment. By the second, all persons, even of the highest rank, senators, perfectissimi, decemvirs, were to be declared infamous, and out of the protection of the Roman law, if born ex ancillâ, vel ancillæ filiâ, vel libertâ, vel libertæ filiâ, sive Romanâ factâ, seu Latînâ, vel scænicæ filiâ, vel ex tabernariâ, vel ex tabernariæ filiâ, vel humilî vel abjectâ, vel lebonis, aut arenarii filiâ, vel quæ mercimoniis publicis præfuit. Whatever a fond father had conferred on such children was revoked, and either restored to the legitimate child, or confiscated to the state; the mothers, who were guilty of thus poisoning the minds of the fathers, were to be put to the torture (tormentis subiciantur.) The unfortunate son of Licinianus, it appears from this second law, having fled, had been taken, and was ordered to be kept in chains to work in the Gynæceum at Carthage. Cod. Theodor. ab. A. P. 1700, 67—69.—M

The person and property of an orphan must always be trusted to the custody of some discreet friend. If the deceased father had not signified his choice, the *agnats*, or paternal kindred of the nearest degree, were compelled to act as the natural guardians: the Athenians were apprehensive of exposing the infant to the power of those most interested in his death; but an axiom of Roman jurisprudence has pronounced, that the charge of tutelage should constantly attend the emolument of succession. If the choice of the father, and the line of consanguinity, afforded no efficient guardian, the failure was supplied by the nomination of the prætor of the city, or the president of the province. But the person whom they named to this *public* office might be legally excused by insanity or blindness, by ignorance or inability, by previous enmity or adverse interest, by the number of children or guardian-ships with which he was already burdened, and by the immunities which were granted to the useful labors of magistrates, lawyers, physicians, and professors. Till the infant could speak, and think, he was represented by the tutor, whose authority was finally determined by the age of puberty. Without his consent, no act of the pupil could bind himself to his own prejudice, though it might oblige others for his personal benefit. It is needless to observe, that the tutor often gave security, and always rendered an account, and that the want of diligence or integrity exposed him to a civil and almost criminal action for the violation of his sacred trust. The age of puberty had been rashly fixed by the civilians at fourteen;\* but as the faculties of the mind ripen more slowly than those of the body, a *curator* was interposed to guard the fortunes of a Roman youth from his own inexperience and headstrong passions. Such a trustee had been first instituted by the prætor, to save a family from the blind havoc of a prodigal or madman; and the minor was compelled, by the laws, to solicit the same protection, to give validity to his acts till he accomplished the full period of twenty-five years. Women were condemned to the perpetual tutelage of parents, husbands, or guardians; a sex created to please and obey was

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\* Gibbon accuses the civilians of having "rashly fixed the age of puberty at twelve or fourteen years." It was not so; before Justinian, no law existed on this subject. Ulpian relates the discussions which took place on this point among the different sects of civilians. See the Institutes, l. i. tit. 22, and the fragments of Ulpian. Nor was the curatorship obligatory for all minors.—W.

never supposed to have attained the age of reason and experience. Such, at least, was the stern and haughty spirit of the ancient law, which had been insensibly mollified before the time of Justinian.

II. The original right of property can only be justified by the accident or merit of prior occupancy; and on this foundation it is wisely established by the philosophy of the civilians.<sup>157</sup> The savage who hollows a tree, inserts a sharp stone into a wooden handle, or applies a string to an elastic branch, becomes in a state of nature the just proprietor of the canoe, the bow, or the hatchet. The materials were common to all, the new form, the produce of his time and simple industry, belongs solely to himself. His hungry brethren cannot, without a sense of their own injustice, extort from the hunter the game of the forest overtaken or slain by his personal strength and dexterity. If his provident care preserves and multiplies the tame animals, whose nature is tractable to the arts of education, he acquires a perpetual title to the use and service of their numerous progeny, which derives its existence from him alone. If he encloses and cultivates a field for their sustenance and his own, a barren waste is converted into a fertile soil; the seed, the manure, the labor, create a new value, and the rewards of harvest are painfully earned by the fatigues of the revolving year. In the successive states of society, the hunter, the shepherd, the husbandman, may defend their possessions by two reasons which forcibly appeal to the feelings of the human mind: that whatever they enjoy is the fruit of their own industry; and that every man who envies their felicity, may purchase similar acquisitions by the exercise of similar diligence. Such, in truth, may be the freedom and plenty of a small colony cast on a fruitful island. But the colony multiplies, while the space still continues the same; the common rights, the equal inheritance of mankind, are engrossed by the bold and crafty; each field and forest is circumscribed by the landmarks of a jealous master; and it is the peculiar praise of the Roman jurisprudence, that it asserts the claim of the first occupant to the wild animals of the earth, the air, and the waters. In the progress from

<sup>157</sup> Institut. l. ii. tit. i. ii. Compare the pure and precise reasoning of Caius and Heineccius (l. ii. tit. i. p. 69—91) with the loose prolixity of Theophilus, (p. 207—265.) The opinions of Ulpian are preserved in the Pandects, (l. i. tit. viii. leg. 41, No. 1.)

primitive equity to final injustice, the steps are silent, the shades are almost imperceptible, and the absolute monopoly is guarded by positive laws and artificial reason. The active, insatiate principle of self-love can alone supply the arts of life and the wages of industry; and as soon as civil government and exclusive property have been introduced, they become necessary to the existence of the human race. Except in the singular institutions of Sparta, the wisest legislators have disapproved an agrarian law as a false and dangerous innovation. Among the Romans, the enormous disproportion of wealth surmounted the ideal restraints of a doubtful tradition, and an obsolete statute; a tradition that the poorest follower of Romulus had been endowed with the perpetual inheritance of two *jugera*; <sup>188</sup> a statute which confined the richest citizen to the measure of five hundred *jugera*, or three hundred and twelve acres of land. The original territory of Rome consisted only of some miles of wood and meadow along the banks of the Tyber; and domestic exchange could add nothing to the national stock. But the goods of an alien or enemy were lawfully exposed to the first hostile occupier; the city was enriched by the profitable trade of war; and the blood of her sons was the only price that was paid for the Volscian sheep, the slaves of Briton, or the gems and gold of Asiatic kingdoms. In the language of ancient jurisprudence, which was corrupted and forgotten before the age of Justinian, these spoils were distinguished by the name of *manceps* or *mancipium*, taken with the hand; and whenever they were sold or *emancipated*, the purchaser required some assurance that they had been the property of an enemy, and not of a fellow-citizen. <sup>189</sup> A citizen could only forfeit his rights by apparent dereliction, and such dereliction of a valuable interest could not easily be presumed. Yet, accord-

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<sup>188</sup> The *heredium* of the first Romans is defined by Varro, (*de Re Rusticâ*, l. i. c. ii. p. 141, c. x. p. 160, 161, edit. Gesner,) and clouded by Pliny's declamation, (*Hist. Natur.* xviii. 2.) A just and learned comment is given in the *Administration des Terres chez les Romains*, (p. 12—66.)\*

<sup>189</sup> The *res Mancipi* is explained from faint and remote lights by Ulpian (*Fragment tit. xviii.* p. 618, 619) and Bynkershoek, (*Opp. tom. i.* p. 306—315.) The definition is somewhat arbitrary; and as none except myself have assigned a reason, I am diffident of my own.

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\* On the duo *jugera*, compare Niebuhr, vol. i. p. 337.—M.

ing to the Twelve Tables, a prescription of one year for movables, and of two years for immovables, abolished the claim of the ancient master, if the actual possessor had acquired them by a fair transaction from the person whom he believed to be the lawful proprietor.<sup>140</sup> Such consci-

<sup>140</sup> From this short prescription, Hume (Essays, vol. i. p. 423) infers that there could not *then* be more order and settlement in Italy than *now* amongst the Tartars. By the civilian of his adversary Wallace, he is reproached, and not without reason, for overlooking the conditions, (Institut. l. ii. tit. vi.)\*

\* Gibbon acknowledges, in the former note, the obscurity of his views with regard to the *res mancipi*. The interpreters, who preceded him, are not agreed on this point, one of the most difficult in the ancient Roman law. The conclusions of Hume, of which the author here speaks, are grounded on false assumptions: Gibbon had conceived very inaccurate notions of *Propriety* among the Romans, and those of many authors in the present day are not less erroneous. We think it right, in this place, to develop the system of property among the Romans, as the result of the study of the extant original authorities on the ancient law, and as it has been demonstrated, recognized, and adopted by the most learned expositors of the Roman law. Besides the authorities formerly known, such as the Fragments of Ulpian, t. xix. and t. i. § 16. Theoph. Paraph. i. 5, § 4, may be consulted the Institutes of Gaius, l. § 54, and ii. § 40, et seq.

The Roman laws protected all property acquired in a lawful manner. They imposed on those who had invaded it, the obligation of making restitution and reparation of all damage caused by that invasion; they punished it moreover, in many cases, by a pecuniary fine. But they did not always grant a recovery against the third person, who had become *bonâ fide* possessed of the property. He who had obtained possession of a thing belonging to another, knowing nothing of the prior rights of that person, maintained the possession. The law had expressly determined those cases, in which it permitted property to be reclaimed from an innocent possessor. In these cases possession had the characters of absolute proprietorship, called *mancipium*, *jus Quiritium*. To possess this right, it was not sufficient to have entered into possession of the thing *in any manner*; the acquisition was bound to have that character of publicity, which was given by the observance of solemn forms, prescribed by the laws, or the uninterrupted exercise of proprietorship during a certain time: the Roman citizen alone could acquire this proprietorship. Every other kind of possession, which might be named imperfect proprietorship, was called "*in bonis habere*." It was not till after the time of Cicero that the general name of *Dominium* was given to all proprietorship.

It was then the publicity which constituted the distinctive character of absolute dominion. This publicity was grounded on the mode of acquisition, which the moderns have called Civil, (*Modi acquirendi Civiles*.) These modes of acquisition were, 1. *Mancipium* or *mancipatio*, which was nothing but the solemn delivering over of the thing in the presence of a determinate number of witnesses and a public officer; it was from this probably that proprietorship was named, 2. *In jure cessio*, which was a solemn delivering over before the prætor. 3. *Adjudicatio*, made by a judge in a case of partition. 4. *Lex*, which comprehended modes of acquiring in particular cases determined by law; probably the law of the *xii. tables*; for instance, the *sub coronâ emptio* and the *legatum*. 5. *Usus*, called afterwards *usucapio*, and by the moderns prescription. This was

entious injustice, without any mixture of fraud or force could seldom injure the members of a small republic; but the various periods of three, of ten, or of twenty years,

only a year for movables; two years for things not movable. Its primary object was altogether different from that of prescription in the present day. It was originally introduced in order to transform the simple possession of a thing (in bonis habere) into Roman proprietorship. The public and uninterrupted possession of a thing, enjoyed for the space of one or two years, was sufficient to make known to the inhabitants of the city of Rome to whom the thing belonged. This last mode of acquisition completed the system of civil acquisitions, by legalizing, as it were, every other kind of acquisition which was not conferred, from the commencement, by the *Jus Quiritium*. V. Ulpian. *Fragm.* i. § 16. Gaius, ii. § 14. We believe, according to Gaius, § 43, that this usucaption was extended to the case where a thing had been acquired from a person not the real proprietor; and that according to the time prescribed, it gave to the possessor the Roman proprietorship. But this does not appear to have been the original design of this Institution. *Cæterum etiam earum rerum usucapio nobis competit, quæ non a domino nobis tradita fuerint, si modo eas bonæ fide acceperimus* Gaius, l. ii. § 43.

As to things of smaller value, or those which it was difficult to distinguish from each other, the solemnities of which we speak were not required to obtain legal proprietorship. In this case simple delivery was sufficient.

In proportion to the aggrandizement of the Republic, this latter principle became more important from the increase of the commerce and wealth of the state. It was necessary to know what were those things of which absolute property might be acquired by simple delivery, and what, on the contrary, those, the acquisition of which must be sanctioned by these solemnities. This question was necessarily to be decided by a general rule; and it is this rule which establishes the distinction between *res Mancipi* and *res nec Mancipi*, a distinction about which the opinions of modern civilians differ so much that there are above ten conflicting systems on the subject. The system which accords best with a sound interpretation of the Roman laws, is that proposed by M. Trekel of Hamburg, and still further developed by M. Hugo, who has extracted it in the *Magazine of Civil Law*, vol. ii. p. 7. This is the system now almost universally adopted. *Res Mancipi* (by contraction for *Mancipii*) were things of which the absolute property (*Jus Quiritium*) might be acquired only by the solemnities mentioned above, at least by that of mancipation, which was, without doubt, the most easy and the most usual. Gaius, ii. § 25. As for other things, the acquisition of which was not subject to these forms, in order to confer absolute right, they were called *res nec Mancipi*. See Ulpian, *Fragm.* xix. § 1. 3, 7.

Ulpian and Varro enumerate the different kinds of *res Mancipi*. Their enumerations do not quite agree; and various methods of reconciling them have been attempted. The authority of Ulpian, however, who wrote as a civilian, ought to have the greater weight on this subject.

But why are these things alone *res Mancipi*? This is one of the questions which have been most frequently agitated, and on which the opinions of civilians are most divided. M. Hugo has resolved it in the most natural and satisfactory manner. "All things which were easily known individually, which were of great value, with which the Romans were acquainted, and which they highly appreciated, were *res Mancipi*. Of old mancipation or some other solemn form was required for the acquisition of these things, on account of their importance. Mancipation served to prove their acquisition, because they were easily distinguished one from the other." On

determined by Justinian, are more suitable to the latitude of a great empire. It is only in the term of prescription that the distinction of real and personal fortune has been remarked by the civilians; and their general idea of property is that of simple, uniform, and absolute dominion. The subordinate exceptions of *use*, of *usufruct*,<sup>141</sup> of *servitude*,<sup>142</sup> imposed for the benefit of a neighbor on lands and houses, are abundantly explained by the professors of jurisprudence. The claims of property, as far as they are altered by the mixture, the division, or the transformation of substances, are investigated with metaphysical subtilty by the same civilians.

The personal title of the first proprietor must be determined by his death: but the possession, without any appearance of change, is peaceably continued in his children, the associates of his toil, and the partners of his wealth. This natural inheritance has been protected by the legislators of every climate and age, and the father is encouraged to persevere in slow and distant improvements, by the tender hope, that a long posterity will enjoy the fruits of his labor. The principle of hereditary succession is universal; but the order has been variously established by convenience or caprice, by the spirit of national institutions, or by some partial example which was originally decided by fraud or violence. The

<sup>141</sup> See the Institutes (l. i. tit. iv. v.) and the Pandects, (l. vii.) Noodt has composed a learned and distinct treatise *de Usufructu*, (Opp. tom. i. p. 387—478.)

<sup>142</sup> The questions *de Servitutibus* are discussed in the Institutes (l. ii. tit. iii.) and Pandects, (l. viii.) Cicero (pro Murenâ, c. 9) and Lactantius (Institut. Divin. l. i. c. i.) affect to laugh at the insignificant doctrine, *de aquâ de pluvîâ arcendâ*, &c. Yet it might be of frequent use among litigious neighbors, both in town and country.

this great historical discussion consult the Magazine of Civil Law by M. Hugo, vol. ii. p. 37, 38; the dissertation of M. J. M. Zachariæ, *de Rebus Mancipi et nec Mancipi Conjecturæ*, p. 11. Lipsiæ, 1807; the History of Civil Law by M. Hugo; and my *Institutiones Juris Romani Privati* p. 108, 110.

As a general rule, it may be said that all things are *res nec Mancipi*; the *res Mancipi* are the exception to this principle.

The prætors changed the system of property by allowing a person, who had a thing in bonis, the right to recover before the prescribed term of usucapion had conferred absolute proprietorship. (Pauliana in rem actio.) Justinian went still farther, in times when there was no longer any distinction between a Roman citizen and a stranger. He granted the right of recovering all things which had been acquired, whether by what were called civil or natural modes of acquisition, Cod. l. vii. t. 25, 31. And he so altered the theory of Gaius in his Institutes, ii. 1, that no trace remains of the doctrine taught by that civilian.—W.

jurisprudence of the Romans appear to have deviated from the inequality of nature much less than the Jewish,<sup>143</sup> the Athenian,<sup>144</sup> or the English institutions.<sup>145</sup> On the death of a citizen, all his descendants, unless they were already freed from his paternal power, were called to the inheritance of his possessions. The insolent prerogative of primogeniture was unknown; the two sexes were placed on a just level; all the sons and daughters were entitled to an equal portion of the patrimonial estate; and if any of the sons had been intercepted by a premature death, his person was represented, and his share was divided, by his surviving children. On the failure of the direct line, the right of succession must diverge to the collateral branches. The degrees of kindred<sup>146</sup> are numbered by the civilians, ascending from the last possessor to a common parent, and descending from the common parent to the next heir: my father stands in the first degree, my brother in the second, his children in the third, and the remainder of the series may be conceived by a fancy, or pictured in a genealogical table. In this computation, a distinction was made, essential to the laws and even the constitution of Rome; the *agnats*, or persons connected by a line of males, were called, as they stood in the nearest degree, to an equal partition; but a female was incapable of transmitting any legal claims; and the *cognats* of every rank, without excepting the dear relation of a mother and a son, were disinherited by the Twelve Tables, as strangers and aliens. Among

<sup>143</sup> Among the patriarchs, the first-born enjoyed a mystic and spiritual primogeniture, (Genesis, xxv. 31.) In the land of Canaan, he was entitled to a double portion of inheritance, (Deuteronomy, xxi. 17, with Le Clerc's judicious Commentary.)

<sup>144</sup> At Athens, the sons were equal; but the poor daughters were endowed at the discretion of their brothers. See the *κληρικοί* pleadings of Isæus, (in the viith volume of the Greek Orators,) illustrated by the version and comment of Sir William Jones, a scholar, a lawyer, and a man of genius.

<sup>145</sup> In England, the eldest son also inherits *all* the land; a law, says the orthodox Judge Blackstone, (Commentaries on the Laws of England, vol. ii. p. 215,) unjust only in the opinion of younger brothers. It may be of some political use in sharpening their industry.

<sup>146</sup> Blackstone's Tables (vol. ii. p. 202) represent and compare the degrees of the civil with those of the canon and common law. A separate tract of Julius Paulus, de gradibus et affinibus, is inserted or abridged in the Pandects, (l. xxxviii. tit. x.) In the viith degree he computes (No. 18) 1024 persons.



the Romans *agens* or lineage was united by a common *name* and domestic rites; the various *cognomens* or *surnames* of Scipio, or Marcellus, distinguished from each other the subordinate branches or families of the Cornelian or Claudian race: the default of the *agnats*, of the same surname, was supplied by the larger denomination of *gentiles*; and the vigilance of the laws maintained, in the same name, the perpetual descent of religion and property. A similar principle dictated the Voconian law,<sup>147</sup> which abolished the right of female inheritance. As long as virgins were given or sold in marriage, the adoption of the wife extinguished the hopes of the daughter. But the equal succession of independent matrons supported their pride and luxury, and might transport into a foreign house the riches of their fathers. While the maxims of Cato<sup>148</sup> were revered, they tended to perpetuate in each family a just and virtuous mediocrity: till female blandishments insensibly triumphed; and every salutary restraint was lost in the dissolute greatness of the republic. The rigor of the decemvirs was tempered by the equity of the prætors. Their edicts restored and emancipated posthumous children to the rights of nature; and upon the failure of the *agnats*, they preferred the blood of the *cognats* to the name of the gentiles, whose title and character were insensibly covered with oblivion. The reciprocal inheritance of mothers and sons was established in the Tertullian and Orphitian decrees by the humanity of the senate. A new and more impartial order was introduced by the Novels of Justinian, who affected to revive the jurisprudence of the Twelve Tables. The lines of masculine and female kindred were confounded: the descending, ascending, and collateral series was accurately defined; and each degree, according to the proximity of blood and affection, succeeded to the vacant possessions of a Roman citizen.<sup>149</sup>

<sup>147</sup> The Voconian law was enacted in the year of Rome 584. The younger Scipio, who was then 17 years of age, (Frenshemius, Supplement. Livian. xlv. 40.) found an occasion of exercising his generosity to his mother, sisters, &c. (Polybius, tom. ii. l. xxxi. p. 1453—1464, edit. Gronov., a domestic witness.)

<sup>148</sup> Legem Voconiam (Ernesti, Clavis Ciceroniana) magnâ voce bonis literibus (at lxx. years of age) suasissem, says old Cato, (de Senectute, c. 5.) Aulus Gellius (vii. 13, xvii. 6) has saved some passages.

<sup>149</sup> See the law of succession in the Institutes of Caius, (l. ii. tit. vii. p. 180—144,) and Justinian, (l. iii. tit. i.—vi., with the Greek version.

The order of succession is regulated by nature, or at least by the general and permanent reason of the lawgiver: but this order is frequently violated by the arbitrary and partial *wills*, which prolong the dominion of the testator beyond the grave.<sup>100</sup> In the simple state of society, this last use or abuse of the right of property is seldom indulged: it was introduced at Athens by the laws of Solon; and the private testaments of the father of a family are authorized by the Twelve Tables. Before the time of the decemvirs,<sup>101</sup> a Roman citizen exposed his wishes and motives to the assembly of the thirty curiæ or parishes, and the general law of inheritance was suspended by an occasional act of the legislature. After the permission of the decemvirs, each private lawgiver promulgated his verbal or written testament in the presence of five citizens, who represented the five classes of the Roman people; a sixth witness attested their concurrence; a seventh weighed the copper money, which was paid by an imaginary purchaser; and the estate was emancipated by a fictitious sale and immediate release. This singular ceremony,<sup>102</sup> which excited the wonder of the Greeks, was still practised in the age of Severus; but the prætors had already approved a more simple testament, for which they required the seals and signatures of seven witnesses, free from all legal exception, and purposely summoned for the execution of that important act. A domestic monarch, who reigned over the lives and fortunes of his children, might distribute their respective shares according to the degrees of their merit or his affection; his

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of Theophilus, p. 515—575, 588—600,) the Pandects, (l. xxxviii. tit. vi.—xvii.,) the Code, (l. vi. tit. lv.—lx.,) and the Novels, (cxviii.)

<sup>100</sup> That succession was the *rule*, testament the *exception*, is proved by Taylor, (Elements of Civil Law, p. 519—527, (a learned, rambling, spirited writer. In the iid and iiid books, the method of the Institutes is doubtless preposterous; and the Chancellor Daguesseau (Œuvres, tom. i. p. 275) wishes his countryman Domat in the place of Tribonian. Yet covenants before successions is not surely the *natural order of civil laws*.)

<sup>101</sup> Prior examples of testaments are perhaps fabulous. At Athens a *childless* father only could make a will, (Plutarch, in Solone, tom. i. p. 164. See Isæus and Jones.)

<sup>102</sup> The testament of Augustus is specified by Suetonius, (in August. c. 101, in Neron. c. 4,) who may be studied as a code of Roman antiquities. Plutarch (Opuscul. tom. ii. p. 976) is surprised *ὅταν δὲ δεσφίκας γράψωσιν, ἑτέροις μὲν ἀπολείπονσι κληρονόμους, ἑτέροι δὲ πωλοῦσι τὴν οὐσίαν*. The language of Ulpian (Fragment. tit. xx. p. 627, edit. Schulting) is almost too exclusive—*solum in usû est*.

arbitrary displeasure chastised an unworthy son by the loss of his inheritance, and the mortifying preference of a stranger. But the experience of unnatural parents recommended some limitations of their testamentary powers. A son, or, by the laws of Justinian, even a daughter, could no longer be disinherited by their silence: they were compelled to name the criminal, and to specify the offence; and the justice of the emperor enumerated the sole causes that could justify such a violation of the first principles of nature and society.<sup>166</sup> Unless a legitimate portion, a fourth part, had been reserved for the children, they were entitled to institute an action or complaint of *inofficious* testament; to suppose that their father's understanding was impaired by sickness or age; and respectfully to appeal from his rigorous sentence to the deliberate wisdom of the magistrate. In the Roman jurisprudence, an essential distinction was admitted between the inheritance and the legacies. The heirs who succeeded to the entire unity, or to any of the twelve fractions of the substance of the testator, represented his civil and religious character, asserted his rights, fulfilled his obligations, and discharged the gifts of friendship or liberality, which his last will had bequeathed under the name of legacies. But as the imprudence or prodigality of a dying man might exhaust the inheritance, and leave only risk and labor to his successor, he was empowered to retain the *Falcidian* portion; to deduct, before the payment of the legacies, a clear fourth for his own emolument. A reasonable time was allowed to examine the proportion between the debts and the estate, to decide whether he should accept or refuse the testament; and if he used the benefit of an inventory, the demands of the creditors could not exceed the valuation of the effects. The last will of a citizen might be altered during his life, or rescinded after his death: the persons whom he named might die before him, or reject the inheritance, or be exposed to some legal disqualification. In the contemplation of these events, he was permitted to substitute second and third heirs, to replace each other

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<sup>166</sup> Justinian (Novell. cxv. No. 3, 4) enumerates only the public and private crimes, for which a son might likewise disinherit his father.\*

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\* Gibbon has singular notions on the provisions of Novell. cxv. 3, 4, which probably he did not clearly understand.—W

according to the order of the testament; and the incapacity of a madman or an infant to bequeath his property might be supplied by a similar substitution.<sup>144</sup> But the power of the testator expired with the acceptance of the testament: each Roman of mature age and discretion acquired the absolute dominion of his inheritance, and the simplicity of the civil law was never clouded by the long and intricate entails which confine the happiness and freedom of unborn generations.

Conquest and the formalities of law established the use of *codicils*. If a Roman was surprised by death in a remote province of the empire, he addressed a short epistle to his legitimate or testamentary heir; who fulfilled with honor, or neglected with impunity, this last request, which the judges before the age of Augustus were not authorized to enforce. A codicil might be expressed in any mode, or in any language; but the subscription of five witnesses must declare that it was the genuine composition of the author. His intention, however laudable, was sometimes illegal; and the invention of *fidei-commissa*, or trusts, arose from the struggle between natural justice and positive jurisprudence. A stranger of Greece or Africa might be the friend or benefactor of a childless Roman, but none, except a fellow-citizen, could act as his heir. The Voconian law, which abolished female succession, restrained the legacy or inheritance of a woman to the sum of one hundred thousand sesterces;<sup>145</sup> and an only daughter was condemned almost as an alien in her father's house. The zeal of friendship, and parental affection, suggested a liberal artifice: a qualified citizen was named in the testament, with a prayer or injunction that he would restore the inheritance to the person for whom it was truly intended. Various was the conduct of the trustees in this painful situation: they had sworn to observe the laws of their country, but honor prompted them to violate their oath; and if they preferred their interest under the mask of patriotism, they forfeited the esteem of every virtuous mind. The declaration

<sup>144</sup> The *substitutions fidei-commissaires* of the modern civil law is a feudal idea grafted on the Roman jurisprudence, and bears scarcely any resemblance to the ancient *fidei-commissa*, (*Institutions du Droit François*, tom. i. p. 347—383. Denissart, *Décisions de Jurisprudence*, tom. iv. p. 577—604.) They were stretched to the fourth degree by an abuse of the clixth Novel; a partial, perplexed, declamatory law.

<sup>145</sup> Dion Cassius (tom. ii. l. lvi. p. 814, with Reimar's Notes) specifies in Greek money the sum of 25,000 drachma.

of Augustus relieved their doubts, gave a legal sanction to confidential testaments and codicils, and gently unravelled the forms and restraints of the republican jurisprudence.<sup>156</sup> But as the new practice of trusts degenerated into some abuse, the trustee was enabled, by the Trebellian and Pegasian decrees, to reserve one fourth of the estate, or to transfer on the head of the real heir all the debts and actions of the succession. The interpretation of testaments was strict and literal; but the language of *trusts* and codicils was delivered from the minute and technical accuracy of the civilians.<sup>157</sup>

III. The general duties of mankind are imposed by their public and private relations: but their specific *obligations* to each other can only be the effect of, 1. a promise, 2. a benefit, or 3. an injury: and when these obligations are ratified by law, the interested party may compel the performance by a judicial *action*. On this principle, the civilians of every country have erected a similar jurisprudence, the fair conclusion of universal reason and justice.<sup>158</sup>

1. The goddess of *faith* (of human and social faith) was worshipped, not only in her temples, but in the lives of the Romans; and if that nation was deficient in the more amiable qualities of benevolence and generosity, they astonished the Greeks by their sincere and simple performance of the most burdensome engagements.<sup>159</sup> Yet among the same people, according to the rigid maxims of the patricians and decemvirs, a *naked pact*, a promise, or even an oath, did not create any

<sup>156</sup> The revolutions of the Roman laws of inheritance are finely, though sometimes fancifully, deduced by Montesquieu, (*Esprit des Loix*, l. xxvii.)

<sup>157</sup> Of the civil jurisprudence of successions, testaments, codicils, legacies, and trusts, the principles are ascertained in the Institutes of Caius, (l. ii. tit. ii.—ix. p. 91—144,) Justinian, (l. ii. tit. x.—xxv.) and Theophilus, (p. 328—514;) and the immense detail occupies twelve books (xxviii.—xxxix.) of the Pandects.

<sup>158</sup> The Institutes of Caius, (l. ii. tit. ix. x. p. 144—214,) of Justinian, (l. iii. tit. xiv.—xxx. l. iv. tit. i.—vi.) and of Theophilus, (p. 616—837,) distinguish four sorts of obligations — *aut re*, *aut verbis*, *aut litteris* *aut consensu*: but I confess myself partial to my own division.\*

<sup>159</sup> How much is the cool, rational evidence of Polybius (l. vi. p. 693, l. xxxi. p. 1459, 1460) superior to vague, indiscriminate applause — *omnium maxime et præcipue fidem coluit*, (A. Gellius, xx. 1.)

\* It is not at all applicable to the Roman system of contracts, even if they were allowed to be good.—M.

civil obligation, unless it was confirmed by the legal form of a *stipulation*. Whatever might be the etymology of the Latin word, it conveyed the idea of a firm and irrevocable contract, which was always expressed in the mode of a question and answer. Do you promise to pay me one hundred pieces of gold? was the solemn interrogation of *Seius*. I do promise, was the reply of *Sempronius*. The friends of *Sempronius*, who answered for his ability and inclination, might be separately sued at the option of *Seius*; and the benefit of partition, or order of reciprocal actions, insensibly deviated from the strict theory of stipulation. The most cautious and deliberate consent was justly required to sustain the validity of a gratuitous promise; and the citizen who might have obtained a legal security, incurred the suspicion of fraud, and paid the forfeit of his neglect. But the ingenuity of the civilians successfully labored to convert simple engagements into the form of solemn stipulations. The prætors, as the guardians of social faith, admitted every rational evidence of a voluntary and deliberate act, which in their tribunal produced an equitable obligation, and for which they gave an action and a remedy.<sup>100</sup>

2. The obligations of the second class, as they were contracted by the delivery of a thing, are marked by the civilians with the epithet of *real*.<sup>101</sup> A grateful return is due to the author of a benefit; and whoever is intrusted with the property of another, has bound himself to the sacred duty of restitution. In the case of a friendly loan, the merit of generosity is on the side of the lender only; in a deposit, on the

<sup>100</sup> The *Jus Prætorium de Pactis et Transactionibus* is a separate and satisfactory treatise of Gerard Noodt, (Opp. tom. i. p. 483—564.) And I will here observe, that the universities of Holland and Brandenburg, in the beginning of the present century, appear to have studied the civil law on the most just and liberal principles.\*

<sup>101</sup> The nice and various subject of contracts by consent is spread over four books (xvii.—xx.) of the *Pandects*, and is one of the parts best deserving of the attention of an English student.†

\* Simple agreements (pacta) formed as valid an obligation as a solemn contract. Only an action, or the right to a direct judicial prosecution, was not permitted in every case of compact. In all other respects, the judge was bound to maintain an agreement made by pactum. The stipulation was a form common to every kind of agreement, by which the right of action was given to this.—W.

† This is erroneously called "benefits." Gibbon enumerates various kinds of contracts, of which some alone are properly called benefits.—W.

side of the receiver; but in a *pledge*, and the rest of the selfish commerce of ordinary life, the benefit is compensated by an equivalent, and the obligation to restore is variously modified by the nature of the transaction. The Latin language very happily expresses the fundamental difference between the *commodatum* and the *mutuum*, which our poverty is reduced to confound under the vague and common appellation of a loan. In the former, the borrower was obliged to restore the same individual thing with which he had been *accommodated* for the temporary supply of his wants; in the latter, it was destined for his use and consumption, and he discharged this *mutual* engagement, by substituting the same specific value according to a just estimation of number, of weight, and of measure. In the contract of *sale*, the absolute dominion is transferred to the purchaser, and he repays the benefit with an adequate sum of gold or silver, the price and universal standard of all earthly possessions. The obligation of another contract, that of *location*, is of a more complicated kind. Lands or houses, labor or talents, may be hired for a definite term; at the expiration of the time, the thing itself must be restored to the owner, with an additional reward for the beneficial occupation and employment. In these lucrative contracts, to which may be added those of partnership and commissions, the civilians sometimes imagine the delivery of the object, and sometimes presume the consent of the parties. The substantial pledge has been refined into the invisible rights of a mortgage or *hypotheca*; and the agreement of sale, for a certain price, imputes, from that moment, the chances of gain or loss to the account of the purchaser. It may be fairly supposed, that every man will obey the dictates of his interest; and if he accepts the benefit, he is obliged to sustain the expense, of the transaction. In this boundless subject, the historian will observe the *location* of land and money, the rent of the one and the interest of the other, as they materially affect the prosperity of agriculture and commerce. The landlord was often obliged to advance the stock and instruments of husbandry, and to content himself with a partition of the fruits. If the feeble tenant was oppressed by accident, contagion, or hostile violence, he claimed a proportionable relief from the equity of the laws: five years were the customary term, and no solid or costly improvements could be expected from a farmer, who, at each moment,

pleasure that is innocent was deemed insipid; and the Sca-  
tinian law,<sup>193</sup> which had been extorted by an act of violence,  
was insensibly abolished by the lapse of time and the multi-  
tude of criminals. By this law, the rape, perhaps the seduc-  
tion, of an ingenuous youth, was compensated, as a personal  
injury, by the poor damages of ten thousand sesterces, or  
fourscore pounds; the ravisher might be slain by the resist-  
ance or revenge of chastity; and I wish to believe, that at  
Rome, as in Athens, the voluntary and effeminate deserter  
of his sex was degraded from the honors and the rights of a  
citizen.<sup>194</sup> But the practice of vice was not discouraged by  
the severity of opinion: the indelible stain of manhood was  
conferred with the more venial transgressions of fornication  
and adultery, nor was the licentious lover exposed to the same  
dishonor which he impressed on the male or female partner  
of his guilt. From Catullus to Juvenal,<sup>195</sup> the poets accuse  
and celebrate the degeneracy of the times; and the reforma-  
tion of manners was feebly attempted by the reason and  
authority of the civilians till the most virtuous of the Cæsars  
proscribed the sin against nature as a crime against society.<sup>196</sup>

A new spirit of legislation, respectable even in its error,  
arose in the empire with the religion of Constantine.<sup>197</sup> The

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dissertation might be formed on the introduction of pæderasty after the  
time of Homer, its progress among the Greeks of Asia and Europe,  
the vehemence of their passions, and the thin device of virtue and  
friendship which amused the philosophers of Athens. But scelera  
ostendi oportet dum puniuntur, abscondi flagitia.

<sup>193</sup> The name, the date, and the provisions of this law are equally  
doubtful, (Gravina, Opp. p. 432, 433. Heineccius, Hist. Jur. Rom. No.  
108. Ernesti, Clav. Ciceron. in Indice Legum.) But I will observe  
that the *nefanda* Venus of the honest German is styled *aversa* by the  
more polite Italian.

<sup>194</sup> See the oration of Æschines against the catamite Timarchus, (in  
Reiske, Orator. Græc. tom. iii. p. 21—184.)

<sup>195</sup> A crowd of disgraceful passages will force themselves on the  
memory of the classic reader: I will only remind him of the cool  
declaration of Ovid:—

Odi concubitus qui non utrumque resolvunt.  
Hoc est quod puerum tangar amore minus.

<sup>196</sup> Ælius Lampridius, in Vit. Heliogabal. in Hist. August. p. 112  
Aurelius Victor, in Philippo, Codex Theodos. l. ix. tit. vii. leg. 7, and  
Godeffroy's Commentary, tom. iii. p. 63. Theodosius abolished the sub-  
terraneous brothels of Rome, in which the prostitution of both sexes  
was acted with impunity.

<sup>197</sup> See the laws of Constantine and his successors against adultery,  
sodomy &c., in the Theodosian, (l. ix. tit. vii. leg. 7, l. xi. tit. xxxvi.



laws of Moses were received as the divine original of justice, and the Christian princes adapted their penal statutes to the degrees of moral and religious turpitude. Adultery was first declared to be a capital offence: the frailty of the sexes was assimilated to poison or assassination, to sorcery or parricide; the same penalties were inflicted on the passive and active guilt of pæderasty; and all criminals of free or servile condition were either drowned or beheaded, or cast alive into the avenging flames. The adulterers were spared by the common sympathy of mankind; but the lovers of their own sex were pursued by general and pious indignation: the impure manners of Greece still prevailed in the cities of Asia, and every vice was fomented by the celibacy of the monks and clergy. Justinian relaxed the punishment at least of female infidelity: the guilty spouse was only condemned to solitude and penance, and at the end of two years she might be recalled to the arms of a forgiving husband. But the same emperor declared himself the implacable enemy of unmanly lust, and the cruelty of his persecution can scarcely be excused by the purity of his motives.<sup>100</sup> In defiance of every principle of justice, he stretched to past as well as future offences the operations of his edicts, with the previous allowance of a short respite for confession and pardon. A painful death was inflicted by the amputation of the sinful instrument, or the insertion of sharp reeds into the pores and tubes of most exquisite sensibility; and Justinian defended the propriety of the execution, since the criminals would have lost their hands, had they been convicted of sacrilege. In this state of disgrace and agony, two bishops, Isaiah of Rhodes and Alexander of Diospolis, were dragged through the streets of Constantinople, while their brethren were admonished, by the voice of a crier, to observe this awful lesson, and not to pollute the sanctity of their character. Perhaps these prelates were innocent. A sentence of death and infamy was often founded on the slight and suspicious evidence of a child or a servant: the guilt of the green faction, of the rich, and of the enemies of Theodora, was presumed by the judges,

leg. 1, 4) and Justinian Codes, (l. ix. tit. ix. leg. 30, 81.) These princes speak the language of passion as well as of justice, and fraudulently ascribe their own severity to the first Cæsars.

<sup>100</sup> Justinian, Novel. lxxvii. cxxxiv. cxli. Procopius in *Anecdota* c. 11, 16, with the notes of Alemannus. Theophanes, p. 151. Cedrenus, p. 398. Zonaras, l. xiv. p. 64.

and pæderasty became the crime of those to whom no crime could be imputed. A French philosopher<sup>299</sup> has dared to remark that whatever is secret must be doubtful, and that our natural horror of vice may be abused as an engine of tyranny. But the favorable persuasion of the same writer, that a legislator may confide in the taste and reason of mankind, is impeached by the unwelcome discovery of the antiquity and extent of the disease.<sup>300</sup>

The free citizens of Athens and Rome enjoyed, in all criminal cases, the invaluable privilege of being tried by their country.<sup>301</sup> 1. The administration of justice is the most ancient office of a prince: it was exercised by the Roman kings, and abused by Tarquin; who alone, without law or council, pronounced his arbitrary judgments. The first consuls succeeded to this regal prerogative; but the sacred right of appeal soon abolished the jurisdiction of the magistrates, and all public causes were decided by the supreme tribunal of the people. But a wild democracy, superior to the forms; too often disdains the essential principles, of justice: the pride of despotism was envenomed by plebeian envy, and the heroes of Athens might sometimes applaud the happiness of the Persian, whose fate depended on the caprice of a *single* tyrant. Some salutary restraints, imposed by the people on their own passions, were at once the cause and effect of the

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<sup>299</sup> Montesquieu, *Esprit des Loix*, l. xii. c. 6. That eloquent philosopher conciliates the rights of liberty and of nature, which should never be placed in opposition to each other.

<sup>300</sup> For the corruption of Palestine, 2000 years before the Christian æra, see the history and laws of Moses. Ancient Gaul is stigmatized by Diodorus Siculus, (tom. i. l. v. p. 356,) China by the Mahometan and Christian travellers, (*Ancient Relations of India and China*, p. 84 translated by Renaudot, and his bitter critic the Père Premare, *Lettres Edifiantes*, tom. xix. p. 435,) and native America by the Spanish historians, (Garcilasso de la Vega, l. iii. c. 13, Rycaut's translation; and *Dictionnaire de Bayle*, tom. iii. p. 88.) I believe, and hope, that the negroes, in their own country, were exempt from this moral pestilence.

<sup>301</sup> The important subject of the public questions and judgments at Rome, is explained with much learning, and in a classic style, by Charles Sigonius, (l. iii. de *Judiciis*, in *Opp.* tom. iii. p. 679—864;) and a good abridgment may be found in the *Republique Romaine* of Beaufort, (tom. ii. l. v. p. 1—121.) Those who wish for more abstruse law may study Noodt, (*de Jurisdictione et Imperio Libri duo*, tom. i. p. 93—184,) Heineccius, (*ad Pandect. l. i. et ii. ad Institut. l. iv. tit. xvii. Element. ad Antiquitat.*) and Gravina (*Opp.* 230—251.)

gravity and temperance of the Romans. The right of accusation was confined to the magistrates. A vote of the thirty-five tribes could inflict a fine; but the cognizance of all capital crimes was reserved by a fundamental law to the assembly of the centuries, in which the weight of influence and property was sure to preponderate. Repeated proclamations and adjournments were interposed, to allow time for prejudice and resentment to subside: the whole proceeding might be annulled by a seasonable omen, or the opposition of a tribune; and such popular trials were commonly less formidable to innocence than they were favorable to guilt. But this union of the judicial and legislative powers left it doubtful whether the accused party was pardoned or acquitted; and, in the defence of an illustrious client, the orators of Rome and Athens address their arguments to the policy and benevolence, as well as to the justice, of their sovereign.

2. The task of convening the citizens for the trial of each offender became more difficult, as the citizens and the offenders continually multiplied; and the ready expedient was adopted of delegating the jurisdiction of the people to the ordinary magistrates, or to extraordinary *inquisitors*. In the first ages these questions were rare and occasional. In the beginning of the seventh century of Rome they were made perpetual: four prætors were annually empowered to sit in judgment on the state offences of treason, extortion, peculation, and bribery; and Sylla added new prætors and new questions for those crimes which more directly injure the safety of individuals. By these *inquisitors* the trial was prepared and directed; but they could only pronounce the sentence of the majority of *judges*, who with some truth, and more prejudice, have been compared to the English juries.<sup>399</sup> To discharge this important, though burdensome office, an annual list of ancient and respectable citizens was formed by the prætor. After many constitutional struggles, they were chosen in equal numbers from the senate, the equestrian order, and the people; four hundred and fifty were appointed for single questions; and the various rolls or *decuries* of

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<sup>399</sup> The office, both at Rome and in England, must be considered as an occasional duty, and not a magistracy, or profession. But the obligation of a unanimous verdict is peculiar to our laws, which condemn the jurymen to undergo the torture from whence they have exempted the criminal.

judges must have contained the names of some thousand Romans, who represented the judicial authority of the state. In each particular cause, a sufficient number was drawn from the urn; their integrity was guarded by an oath; the mode of ballot secured their independence; the suspicion of partiality was removed by the mutual challenges of the accuser and defendant; and the judges of Milo, by the retrenchment of fifteen on each side, were reduced to fifty-one voices or tablets, of acquittal, of condemnation, or of favorable doubt.<sup>333</sup>

3. In his civil jurisdiction, the prætor of the city was truly a judge, and almost a legislator; but, as soon as he had prescribed the action of law, he often referred to a delegate the determination of the fact. With the increase of legal proceedings, the tribunal of the centumvirs, in which he presided, acquired more weight and reputation. But whether he acted alone, or with the advice of his council, the most absolute powers might be trusted to a magistrate who was annually chosen by the votes of the people. The rules and precautions of freedom have required some explanation; the order of despotism is simple and inanimate. Before the age of Justinian, or perhaps of Diocletian, the decuries of Roman judges had sunk to an empty title: the humble advice of the assessors might be accepted or despised; and in each tribunal the civil and criminal jurisdiction was administered by a single magistrate, who was raised and disgraced by the will of the emperor.

A Roman accused of any capital crime might prevent the sentence of the law by voluntary exile, or death. Till his guilt had been legally proved, his innocence was presumed, and his person was free: till the votes of the last century had been counted and declared, he might peaceably secede to any of the allied cities of Italy, or Greece, or Asia.<sup>334</sup> His fame and fortunes were preserved, at least to his children, by this civil death; and he might still be happy in every rational and sensual enjoyment, if a mind accustomed to the ambitious tumult of Rome could support the uniformity and

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<sup>333</sup> We are indebted for this interesting fact to a fragment of *Asconius Pedianus*, who flourished under the reign of Tiberius. The loss of his Commentaries on the Orations of Cicero has deprived us of a valuable fund of historical and legal knowledge.

<sup>334</sup> Polyb. l. vi. p. 648. The extension of the empire and city of Rome obliged the exile to seek a more distant place of retirement.

silence of Rhodes or Athens. A bolder effort was required to escape from the tyranny of the Cæsars; but this effort was rendered familiar by the maxims of the stoics, the example of the bravest Romans, and the legal encouragements of suicide. The bodies of condemned criminals were exposed to public ignominy, and their children, a more serious evil, were reduced to poverty by the confiscation of their fortunes. But, if the victims of Tiberius and Nero anticipated the decree of the prince or senate, their courage and despatch were recompensed by the applause of the public, the decent honors of burial, and the validity of their testaments.<sup>305</sup> The exquisite avarice and cruelty of Domitian appear to have deprived the unfortunate of this last consolation, and it was still denied even by the clemency of the Antonines. A voluntary death, which, in the case of a capital offence, intervened between the accusation and the sentence, was admitted as a confession of guilt, and the spoils of the deceased were seized by the inhuman claims of the treasury.<sup>306</sup> Yet the civilians have always respected the natural right of a citizen to dispose of his life; and the posthumous disgrace invented by Tarquin,<sup>307</sup> to check the despair of his subjects, was never revived or imitated by succeeding tyrants. The powers of this world have indeed lost their dominion over him who is resolved on death; and his arm can only be restrained by the religious apprehension of a future state. Suicides are enumerated by Virgil among the unfortunate, rather than the guilty;<sup>308</sup> and the poetical fables of the infernal shades could not seriously influence the faith or practice of mankind. But the precepts of the gospel, or the church, have at length im-

<sup>305</sup> Qui de se statuebant, humabant corpora, manebant testamenta; pretium festinandi. Tacit. Annal. vi. 25, with the Notes of Lipsius.

<sup>306</sup> Juhus Paulus, (Sentent. Recept. l. v. tit. xii. p. 476,) the Pandects, (xlviii. tit. xxi.) the Code, (l. ix. tit. L.) Bynkershoek, (tom. i. p. 59, Observat. J. C. R. iv. 4,) and Montesquieu, (Esprit des Loix, l. xxix. c. ix.) define the civil limitations of the liberty and privileges of suicide. The criminal penalties are the production of a later and darker age.

<sup>307</sup> Plin. Hist. Natur. xxxvi. 24. When he fatigued his subjects in building the Capitol, many of the laborers were provoked to despatch themselves: he nailed their dead bodies to crosses.

<sup>308</sup> The sole resemblance of a violent and premature death has engaged Virgil (*Æneid*, vi. 434-439) to confound suicides with infants, lovers, and persons unjustly condemned. Heyne, the best of his editors, is at a loss to deduce the idea, or ascertain the jurisprudence, of the Roman poet.

posed a gross servitude on the minds of Christians, and condemn them to expect, without a murmur, the last stroke of disease or the executioner.

The penal statutes form a very small proportion of the sixty-two books of the Code and Pandects; and in all judicial proceedings, the life or death of a citizen is determined with less caution or delay than the most ordinary question of covenant or inheritance. This singular distinction, though something may be allowed for the urgent necessity of defending the peace of society, is derived from the nature of criminal and civil jurisprudence. Our duties to the state are simple and uniform: the law by which he is condemned is inscribed not only on brass or marble, but on the conscience of the offender, and his guilt is commonly proved by the testimony of a single fact. But our relations to each other are various and infinite; our obligations are created, annulled, and modified, by injuries, benefits, and promises; and the interpretation of voluntary contracts and testaments, which are often dictated by fraud or ignorance, affords a long and laborious exercise to the sagacity of the judge. The business of life is multiplied by the extent of commerce and dominion, and the residence of the parties in the distant provinces of an empire is productive of doubt, delay, and inevitable appeals from the local to the supreme magistrate. Justinian, the Greek emperor of Constantinople and the East, was the legal successor of the Latin shepherd who had planted a colony on the banks of the Tyber. In a period of thirteen hundred years, the laws had reluctantly followed the changes of government and manners; and the laudable desire of conciliating ancient names with recent institutions destroyed the harmony, and swelled the magnitude, of the obscure and irregular system. The laws which excuse, on any occasions, the ignorance of their subjects, confess their own imperfections: the civil jurisprudence, as it was abridged by Justinian, still continued a mysterious science, and a profitable trade, and the innate perplexity of the study was involved in tenfold darkness by the private industry of the practitioners. The expense of the pursuit sometimes exceeded the value of the prize, and the fairest rights were abandoned by the poverty or prudence of the claimants. Such costly justice might tend to abate the spirit of litigation, but the unequal pressure serves only to increase the influence of the rich, and to aggravate the misery of the poor. By these dilatory and expensive proceedings,

the wealthy pleader obtains a more certain advantage than he could hope from the accidental corruption of his judge. The experience of an abuse, from which our own age and country are not perfectly exempt, may sometimes provoke a generous indignation, and extort the hasty wish of exchanging our elaborate jurisprudence for the simple and summary decrees of a Turkish cadhi. Our calmer reflection will suggest, that such forms and delays are necessary to guard the person and property of the citizen ; that the discretion of the judge is the first engine of tyranny ; and that the laws of a free people should foresee and determine every question that may probably arise in the exercise of power and the transactions of industry. But the government of Justinian united the evils of liberty and servitude ; and the Romans were oppressed at the same time by the multiplicity of their laws and the arbitrary will of their master.

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On the seventh day of his reign, Justin gave audience to the ambassadors of the Avars, and the scene was decorated to impress the Barbarians with astonishment, veneration, and terror. From the palace gate, the spacious courts and long porticos were lined with the lofty crests and gilt bucklers of the guards, who presented their spears and axes with more confidence than they would have shown in a field of battle. The officers who exercised the power, or attended the person, of the prince, were attired in their richest habits, and arranged according to the military and civil order of the hierarchy. When the veil of the sanctuary was withdrawn, the ambassadors beheld the emperor of the East on his throne, beneath a canopy, or dome, which was supported by four columns, and crowned with a winged figure of Victory. In the first emotions of surprise, they submitted to the servile adoration of the Byzantine court; but as soon as they rose from the ground, Targetius, the chief of the embassy, expressed the freedom and pride of a Barbarian. He extolled, by the tongue of his interpreter, the greatness of the chagan, by whose clemency the kingdoms of the South were permitted to exist, whose victorious subjects had traversed the frozen rivers of Scythia, and who now covered the banks of the Danube with innumerable tents. The late emperor had cultivated, with annual and costly gifts, the friendship of a grateful monarch, and the enemies of Rome had respected the allies of the Avars. The same prudence would instruct the nephew of Justinian to imitate the liberality of his uncle, and to purchase the blessings of peace from an invincible people, who delighted and excelled in the exercise of war. The reply of the emperor was delivered in the same strain of haughty defiance, and he derived his confidence from the God of the Christians, the ancient glory of Rome, and the recent triumphs of Justinian. "The empire," said he, "abounds with men and horses, and arms sufficient to defend our frontiers, and to chastise the Barbarians. You offer aid, you threaten hostilities: we despise your enmity and your aid. The conquerors of the Avars solicit our alliance; shall we dread their fugitives and exiles?" The bounty of our uncle was granted to your mis

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\* Corippus, l. iii. 390. The unquestionable sense relates to the Turks, the conquerors of the Avars; but the word *scultor* has no apparent meaning, and the sole MS. of Corippus, from whence the first edition (1581, apud Plantin) was printed, is no longer visible. The



ery, to your humble prayers. From us you shall receive a more important obligation, the knowledge of your own weakness. Retire from our presence; the lives of ambassadors are safe; and, if you return to implore our pardon, perhaps you will taste of our benevolence."<sup>6</sup> On the report of his ambassadors, the chagan was awed by the apparent firmness of a Roman emperor of whose character and resources he was ignorant. Instead of executing his threats against the Eastern empire, he marched into the poor and savage countries of Germany, which were subject to the dominion of the Franks. After two doubtful battles, he consented to retire, and the Austrasian king relieved the distress of his camp with an immediate supply of corn and cattle.<sup>7</sup> Such repeated disappointments had chilled the spirit of the Avars, and their power would have dissolved away in the Sarmatian desert, if the alliance of Alboin, king of the Lombards, had not given a new object to their arms, and a lasting settlement to their wearied fortunes.

While Alboin served under his father's standard, he encountered in battle, and transpierced with his lance, the rival prince of the Gepidæ. The Lombards, who applauded such early prowess, requested his father, with unanimous acclamations, that the heroic youth, who had shared the dangers of the field, might be admitted to the feast of victory. "You are not unmindful," replied the inflexible Audoin, "of the wise customs of our ancestors. Whatever may be his merit, a prince is incapable of sitting at table with his father till he has received his arms from a foreign and royal hand." Alboin bowed with reverence to the institutions of his country,

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last editor, Foggini of Rome, has inserted the conjectural emendation of *soldan*: but the proofs of Ducange, (Joinville, Dissert. xvi. p. 238—240,) for the early use of this title among the Turks and Persians, are weak or ambiguous. And I must incline to the authority of D'Herbelot, (Bibliothèque Orient. p. 825,) who ascribes the word to the Arabic and Chaldean tongues, and the date to the beginning of the xith century, when it was bestowed by the khalif of Bagdad on Mahmud, prince of Gazna, and conqueror of India.

<sup>6</sup> For these characteristic speeches, compare the verse of Corippus (l. iii. 251—401) with the prose of Menander, (Excerpt. Legation. p. 102, 103.) Their diversity proves that they did not copy each other, their resemblance, that they drew from a common original.

<sup>7</sup> For the Austrasian war, see Menander (Excerpt. Legat. p. 110,) Gregory of Tours, (Hist. Franc. l. iv. c. 29,) and Paul the deacon, (de Gest. Langobard. l. ii. c. 10.)

selected forty companions, and boldly visited the court of Turisund, king of the Gepidæ, who embraced and entertained, according to the laws of hospitality, the murderer of his son. At the banquet, whilst Alboin occupied the seat of the youth whom he had slain, a tender remembrance arose in the mind of Turisund. "How dear is that place! how hateful is that person!" were the words that escaped, with a sigh, from the indignant father. His grief exasperated the national resentment of the Gepidæ; and Cunimund, his surviving son, was provoked by wine, or fraternal affection, to the desire of vengeance. "The Lombards," said the rude Barbarian, "resemble, in figure and in smell, the mares of our Sarmatian plains." And this insult was a coarse allusion to the white bands which enveloped their legs. "Add another resemblance," replied an audacious Lombard; "you have felt how strongly they kick. Visit the plain of Asfeld, and seek for the bones of thy brother: they are mingled with those of the vilest animals." The Gepidæ, a nation of warriors, started from their seats, and the fearless Alboin, with his forty companions, laid their hands on their swords. The tumult was appeased by the venerable interposition of Turisund. He saved his own honor, and the life of his guest; and, after the solemn rites of investiture, dismissed the stranger in the bloody arms of his son; the gift of a weeping parent. Alboin returned in triumph; and the Lombards, who celebrated his matchless intrepidity, were compelled to praise the virtues of an enemy.\* In this extraordinary visit he had probably seen the daughter of Cunimund, who soon after ascended the throne of the Gepidæ. Her name was Rosamond, an appellation expressive of female beauty, and which our own history or romance has consecrated to amorous tales. The king of the Lombards (the father of Alboin no longer lived) was contracted to the granddaughter of Clovis; but the restraints of faith and policy soon yielded to the hope of possessing the fair Rosamond, and of insulting her family and nation. The arts of persuasion were tried without success; and the impatient lover, by force and stratagem, obtained the object of his desires. War was the consequence which he foresaw and solicited; but the Lombards could not long with-

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\* Paul Warnefrid, the deacon of Friuli, de Gest. Langobard. l. i. c. 23, 24. His pictures of national manners, though rudely sketched are more lively and faithful than those of Bede, or Gregory of Tours.

stand the furious assault of the Gepidæ, who were sustained by a Roman army. And, as the offer of marriage was rejected with contempt, Alboin was compelled to relinquish his prey, and to partake of the disgrace which he had inflicted on the house of Cunimund.\*

When a public quarrel is envenomed by private injuries, a blow that is not mortal or decisive can be productive only of a short truce, which allows the unsuccessful combatant to sharpen his arms for a new encounter. The strength of Alboin had been found unequal to the gratification of his love, ambition, and revenge: he condescended to implore the formidable aid of the chagan; and the arguments that he employed are expressive of the art and policy of the Barbarians. In the attack of the Gepidæ, he had been prompted by the just desire of extirpating a people whom their alliance with the Roman empire had rendered the common enemies of the nations, and the personal adversaries of the chagan. If the forces of the Avars and the Lombards should unite in this glorious quarrel, the victory was secure, and the reward inestimable: the Danube, the Hebrus, Italy, and Constantinople, would be exposed, without a barrier, to their invincible arms. But, if they hesitated or delayed to prevent the malice of the Romans, the same spirit which had insulted would pursue the Avars to the extremity of the earth. These specious reasons were heard by the chagan with coldness and disdain: he detained the Lombard ambassadors in his camp, protracted the negotiation, and by turns alleged his want of inclination, or his want of ability, to undertake this important enterprise. At length he signified the ultimate price of his alliance, that the Lombards should immediately present him with a tithe of their cattle; that the spoils and captives should be equally divided; but that the lands of the Gepidæ should become the sole patrimony of the Avars. Such hard conditions were eagerly accepted by the passions of Alboin; and, as the Romans were dissatisfied with the ingratitude and perfidy of the Gepidæ, Justin abandoned that incorrigible people to their fate, and remained the tranquil spectator of this unequal conflict. The despair of Cunimund was active and dangerous. He was informed that the Avars had entered his

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\* The story is told by an impostor, (Theophylact. Simocat. l. vi. c. 10;) but he had art enough to build his fictions on public and notorious facts.

confines; but, on the strong assurance that, after the defeat of the Lombards, these foreign invaders would easily be repelled, he rushed forwards to encounter the implacable enemy of his name and family. But the courage of the Gepidæ could secure them no more than an honorable death. The bravest of the nation fell in the field of battle; the king of the Lombards contemplated with delight the head of Cunimund; and his skull was fashioned into a cup to satiate the hatred of the conqueror, or, perhaps, to comply with the savage custom of his country.<sup>10</sup> After this victory, no further obstacle could impede the progress of the confederates, and they faithfully executed the terms of their agreement.<sup>11</sup> The fair countries of Walachia, Moldavia, Transylvania, and the other parts of Hungary beyond the Danube, were occupied, without resistance, by a new colony of Scythians; and the Dacian empire of the chagans subsisted with splendor above two hundred and thirty years. The nation of the Gepidæ was dissolved; but, in the distribution of the captives, the slaves of the Avars were less fortunate than the companions of the Lombards, whose generosity adopted a valiant foe, and whose freedom was incompatible with cool and deliberate tyranny. One moiety of the spoil introduced into the camp of Alboin more wealth than a Barbarian could readily compute. The fair Rosamond was persuaded, or compelled, to acknowledge the rights of her victorious lover; and the daughter of Cunimund appeared to forgive those crimes which might be imputed to her own irresistible charms.

The destruction of a mighty kingdom established the fame of Alboin. In the days of Charlemagne, the Bavarians, the Saxons, and the other tribes of the Teutonic language, still repeated the songs which described the heroic virtues, the valor, liberality, and fortune of the king of the Lombards.<sup>12</sup>

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<sup>10</sup> It appears from Strabo, Pliny, and Ammianus Marcellinus, that the same practice was common among the Scythian tribes, (Muratori, *Scriptores Rer. Italic.* tom. i. p. 424.) The *scalps* of North America are likewise trophies of valor. The skull of Cunimund was preserved above two hundred years among the Lombards; and Paul himself was one of the guests to whom Duke Ratchus exhibited this cup on a high festival, (l. ii. c. 28.)

<sup>11</sup> Paul, l. i. c. 27. Menander, in *Excerpt Legat.* p. 110, 111.

<sup>12</sup> Ut hactenus etiam tam apud Bajoariorum gentem, quam et Saxonum, sed et alios ejusdem lingue homines . . . . in eorum carminibus celebratur. Paul, l. i. c. 27. He died A. D. 799, (Muratori, in *Præfat.* tom. i. p. 397.) These German songs, some of which might

But his ambition was yet unsatisfied; and the conqueror of the Gepidæ turned his eyes from the Danube to the richer banks of the Po, and the Tyber. Fifteen years had not elapsed, since his subjects, the confederates of Narses, had visited the pleasant climate of Italy: the mountains, the rivers, the high-ways, were familiar to their memory: the report of their success, perhaps the view of their spoils, had kindled in the rising generation the flame of emulation and enterprise. Their hopes were encouraged by the spirit and eloquence of Alboin; and it is affirmed, that he spoke to their senses, by producing, at the royal feast, the fairest and most exquisite fruits that grew spontaneously in the garden of the world. No sooner had he erected his standard, than the native strength of the Lombard was multiplied by the adventurous youth of Germany and Scythia. The robust peasantry of Noricum and Pannonia had resumed the manners of Barbarians; and the names of the Gepidæ, Bulgarians, Sarmatians, and Bavarians, may be distinctly traced in the provinces of Italy.<sup>13</sup> Of the Saxons, the old allies of the Lombards, twenty thousand warriors, with their wives and children, accepted the invitation of Alboin. Their bravery contributed to his success; but the accession or the absence of their numbers was not sensibly felt in the magnitude of his host. Every mode of religion was freely practised by its respective votaries. The king of the Lombards had been educated in the Arian heresy; but the Catholics, in their public worship, were allowed to pray for his conversion; while the more stubborn Barbarians sacrificed a she-goat, or perhaps a captive, to the gods of their fathers.<sup>14</sup> The Lombards, and their confederates, were united by their common attachment to a chief, who excelled in all the virtues and vices of a savage hero; and the vigilance of

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be as old as Tacitus, (*de Moribus Germ.* c. 2,) were compiled and transcribed by Charlemagne. *Barbara et antiquissima carmina, quibus veterum regum actus et bella canebantur scripsit memoriamque mandavit*, (Eginard, in *Vit. Carol. Magn.* c. 29, p. 130, 131.) The poems, which Goldast commends, (*Animadvers. ad Eginard.* p. 207,) appear to be recent and contemptible romances.

<sup>13</sup> The other nations are rehearsed by Paul, (*l. ii. c. 6, 26.*) Muratori (*Antichita Italiane*, tom. i. *dissert. i.* p. 4) has discovered the village of the Bavarians, three miles from Modena.

<sup>14</sup> Gregory the Roman (*Dialog.* l. iii. c. 27, 28, *apud Baron. Annal. Eccles.* A. D. 579, No. 10) supposes that they likewise adored this she-goat. I know but of one religion in which the god and the victim are the same.

Alboin provided an ample magazine of offensive and defensive arms for the use of the expedition. The portable wealth of the Lombards attended the march: their lands they cheerfully relinquished to the Avars, on the solemn promise, which was made and accepted without a smile, that if they failed in the conquest of Italy, these voluntary exiles should be reinstated in their former possessions.

They might have failed, if Narses had been the antagonist of the Lombards; and the veteran warriors, the associates of his Gothic victory, would have encountered with reluctance an enemy whom they dreaded and esteemed. But the weakness of the Byzantine court was subservient to the Barbarian cause; and it was for the ruin of Italy, that the emperor once listened to the complaints of his subjects. The virtues of Narses were stained with avarice; and, in his provincial reign of fifteen years, he accumulated a treasure of gold and silver which surpassed the modesty of a private fortune. His government was oppressive or unpopular, and the general discontent was expressed with freedom by the deputies of Rome. Before the throne of Justinian they boldly declared, that their Gothic servitude had been more tolerable than the despotism of a Greek eunuch; and that, unless their tyrant were instantly removed, they would consult their own happiness in the choice of a master. The apprehension of a revolt was urged by the voice of envy and detraction, which had so recently triumphed over the merit of Belisarius. A new exarch, Longinus, was appointed to supersede the conqueror of Italy, and the base motives of his recall were revealed in the insulting mandate of the empress Sophia, "that he should leave to *men* the exercise of arms, and return to his proper station among the maidens of the palace, where a distaff should be again placed in the hand of the eunuch." "I will spin her such a thread as she shall not easily unravel!" is said to have been the reply which indignation and conscious virtue extorted from the hero. Instead of attending, a slave and a victim, at the gate of the Byzantine palace, he retired to Naples, from whence (if any credit is due to the belief of the times) Narses invited the Lombards to chastise the ingratitude of the prince and people.<sup>12</sup> But the passions of the people

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<sup>12</sup> The charge of the deacon against Narses (l. ii. c. 5) may be groundless; but the weak apology of the Cardinal (Baron. *Annal. Eccles.* A. D. 567. No. 8—12) is rejected by the best critics—*Pagi.*

were furious and changeable, and the Romans soon recollected the merits, or dreaded the resentment, of their victorious general. By the mediation of the pope, who undertook a special pilgrimage to Naples, their repentance was accepted; and Narses, assuming a milder aspect and a more dutiful language, consented to fix his residence in the Capitol. His death,<sup>16</sup> though in the extreme period of old age, was unseasonable and premature, since *his* genius alone could have repaired the last and fatal error of his life. The reality, or the suspicion, of a conspiracy disarmed and disunited the Italians. The soldiers resented the disgrace, and bewailed the loss, of their general. They were ignorant of their new exarch; and Longinus was himself ignorant of the state of the army and the province. In the preceding years Italy had been desolated by pestilence and famine, and a disaffected people ascribed the calamities of nature to the guilt or folly of their rulers.<sup>17</sup>

Whatever might be the grounds of his security, Alboin neither expected nor encountered a Roman army in the field. He ascended the Julian Alps, and looked down with contempt and desire on the fruitful plains to which his victory communicated the perpetual appellation of *LOMBARDY*. A faithful chieftain, and a select band, were stationed at Forum Julii, the modern Friuli, to guard the passes of the mountains. The Lombards respected the strength of Pavia, and listened to the prayers of the Trevisans: their slow and heavy multitudes proceeded to occupy the palace and city of Verona; and Milan, now rising from her ashes, was invested by the powers of Alboin five months after his departure from Panionia. Terror preceded his march: he found every where, or he left, a dreary solitude; and the pusillanimous Italians

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(tom. ii. p. 639, 640,) Muratori, (*Annali d' Italia*, tom. v. p. 160—163,) and the last editors, Horatius Blancus, (*Script. Rerum Italic.* tom. i. p. 427, 428,) and Philip Argelatus, (*Sigon. Opera*, tom. ii. p. 11, 12.) The Narses who assisted at the coronation of Justin (*Corippus*, l. iii. 221) is clearly understood to be a different person.

<sup>16</sup> The death of Narses is mentioned by Paul, l. ii. c. 11. Anastas. in Vit. Johan. iii. p. 43. Agnellus, *Liber Pontifical.* Raven. in *Script. Rer. Italicarum*, tom. ii. part i. p. 114, 124. Yet I cannot believe with Agnellus that Narses was ninety-five years of age. Is it probable that all his exploits were performed at fourscore?

<sup>17</sup> The designs of Narses and of the Lombards for the invasion of Italy are exposed in the last chapter of the first book, and the seven first chapters of the second book, of Paul the deacon.

presumed, without a trial, that the stranger was invincible. Escaping to lakes, or rocks, or morasses, the affrighted crowds concealed some fragments of their wealth, and delayed the moment of their servitude. Paulinus, the patriarch of Aquileia, removed his treasures, sacred and profane, to the Isle of Grado,<sup>18</sup> and his successors were adopted by the infant republic of Venice, which was continually enriched by the public calamities. Honoratus, who filled the chair of St. Ambrose, had credulously accepted the faithless offers of a capitulation; and the archbishop, with the clergy and nobles of Milan, were driven by the perfidy of Alboin to seek a refuge in the less accessible ramparts of Genoa. Along the maritime coast, the courage of the inhabitants was supported by the facility of supply, the hopes of relief, and the power of escape; but from the Trentine hills to the gates of Ravenna and Rome the inland regions of Italy became, without a battle or a siege, the lasting patrimony of the Lombards. The submission of the people invited the Barbarian to assume the character of a lawful sovereign, and the helpless exarch was confined to the office of announcing to the emperor Justin the rapid and irretrievable loss of his provinces and cities.<sup>19</sup> One city, which had been diligently fortified by the Goths, resisted the arms of a new invader; and while Italy was subdued by the flying detachments of the Lombards, the royal camp was fixed above three years before the western gate of Ticinum, or Pavia. The same courage which obtains the esteem of a civilized enemy provokes the fury of a savage, and the impatient besieger had bound himself by a tremendous oath, that age, and sex, and dignity, should be confounded in a general massacre. The aid of famine at length enabled him to execute his bloody vow; but, as Alboin entered the gate, his horse stumbled, fell, and could not be raised from

<sup>18</sup> Which from this translation was called New Aquileia, (Chron. Venet. p. 3.) The patriarch of Grado soon became the first citizen of the republic, (p. 9, &c.) but his seat was not removed to Venice till the year 1450. He is now decorated with titles and honors; but the genius of the church has bowed to that of the state, and the government of a Catholic city is strictly Presbyterian. Thomassin, *Discipline de l'Eglise*, tom. i. p. 156, 157, 161—165. Amelot de la Housaye, *Gouvernement de Venise*, tom. i. p. 256—261.

<sup>19</sup> Paul has given a description of Italy, as it was then divided into eighteen regions, (l. ii. c. 14—24.) The *Dissertatio Chorographica de Italia Medii Ævi*, by Father Beretti, a Benedictine monk, and regius professor at Pavia, has been usefully consulted.



the ground. One of his attendants was prompted by compassion, or piety, to interpret this miraculous sign of the wrath of Heaven: the conqueror paused and relented; he sheathed his sword, and peacefully reposing himself in the palace of Theodoric, proclaimed to the trembling multitude that they should live and obey. Delighted with the situation of a city which was endeared to his pride by the difficulty of the purchase, the prince of the Lombards disdained the ancient glories of Milan; and Pavia, during some ages, was respected as the capital of the kingdom of Italy.\*

The reign of the founder was splendid and transient; and, before he could regulate his new conquests, Alboin fell a sacrifice to domestic treason and female revenge. In a palace near Verona, which had not been erected for the Barbarians, he feasted the companions of his arms; intoxication was the reward of valor, and the king himself was tempted by appetite, or vanity, to exceed the ordinary measure of his intemperance. After draining many capacious bowls of Rhætian or Falernian wine, he called for the skull of Cunimund, the noblest and most precious ornament of his sideboard. The cup of victory was accepted with horrid applause by the circle of the Lombard chiefs. "Fill it again with wine," exclaimed the inhuman conqueror, "fill it to the brim: carry this goblet to the queen, and request in my name that she would rejoice with her father." In an agony of grief and rage, Rosamond had strength to utter, "Let the will of my lord be obeyed!" and, touching it with her lips, pronounced a silent imprecation, that the insult should be washed away in the blood of Alboin. Some indulgence might be due to the resentment of a daughter, if she had not already violated the duties of a wife. Implacable in her enmity, or inconstant in her love, the queen of Italy had stooped from the throne to the arms of a subject, and Helmichis, the king's armor-bearer, was the secret minister of her pleasure and revenge. Against the proposal of the murder, he could no longer urge the scruples of fidelity or gratitude; but Helmichis trembled when he revolved the danger as well as the guilt, when he recollected the matchless strength and intrepidity of a warrior whom he

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\* For the conquest of Italy, see the original materials of Paul, (l. i. c. 7—10, 12, 14, 25, 26, 27,) the eloquent narrative of Sigonius, *tom. A. de Regno Italico*, l. i. p. 13—19,) and the correct and critical review of Muratori, (*Annali d' Italia*, tom. v. p. 164—180.)

had so often attended in the field of battle. He pressed and obtained, that one of the bravest champions of the Lombards should be associated to the enterprise; but no more than a promise of secrecy could be drawn from the gallant Peredeus, and the mode of seduction employed by Rosamond betrays her shameless insensibility both to honor and love. She supplied the place of one of her female attendants who was beloved by Peredeus, and contrived some excuse for darkness and silence, till she could inform her companion that he had enjoyed the queen of the Lombards, and that his own death, or the death of Alboin, must be the consequence of such treasonable adultery. In this alternative he chose rather to be the accomplice than the victim of Rosamond,<sup>21</sup> whose untaunted spirit was incapable of fear or remorse. She expected and soon found a favorable moment, when the king, oppressed with wine, had retired from the table to his afternoon slumbers. His faithless spouse was anxious for his health and repose: the gates of the palace were shut, the arms removed, the attendants dismissed, and Rosamond, after lulling him to rest by her tender caresses, unbolted the chamber door, and urged the reluctant conspirators to the instant execution of the deed. On the first alarm, the warrior started from his couch: his sword, which he attempted to draw, had been fastened to the scabbard by the hand of Rosamond; and a small stool, his only weapon, could not long protect him from the spears of the assassins. The daughter of Cunimund smiled in his fall: his body was buried under the staircase of the palace; and the grateful posterity of the Lombards revered the tomb and the memory of their victorious leader.

The ambitious Rosamond aspired to reign in the name of her lover; the city and palace of Verona were awed by her power; and a faithful band of her native Gepidæ was prepared to applaud the revenge, and to second the wishes, of their sovereign. But the Lombard chiefs, who fled in the first moments of consternation and disorder, had resumed their courage and collected their powers; and the nation, instead of submitting to her reign, demanded, with unanimous cries,

<sup>21</sup> The classical reader will recollect the wife and murder of Candaules, so agreeably told in the first book of Herodotus. The choice of Gyges, *διπύρραι αὐτῷς νεπίειναι*, may serve as the excuse of Peredeus; and this soft insinuation of an odious idea has been imitated by the best writers of antiquity, (Grævius, ad Ciceron. Orat. pro Milone, c. 10.)

that justice should be executed on the guilty spouse and the murderers of their king. She sought a refuge among the enemies of her country; and a criminal who deserved the abhorrence of mankind was protected by the selfish policy of the exarch. With her daughter, the heiress of the Lombard throne, her two lovers, her trusty Gepidæ, and the spoils of the palace of Verona, Rosamond descended the Adige and the Po, and was transported by a Greek vessel to the safe harbor of Ravenna. Longinus beheld with delight the charms and the treasures of the widow of Alboin: her situation and her past conduct might justify the most licentious proposals; and she readily listened to the passion of a minister, who, even in the decline of the empire, was respected as the equal of kings. The death of a jealous lover was an easy and grateful sacrifice; and, as Helmichis issued from the bath, he received the deadly potion from the hand of his mistress. The taste of the liquor, its speedy operation, and his experience of the character of Rosamond, convinced him that he was poisoned: he pointed his dagger to her breast, compelled her to drain the remainder of the cup, and expired in a few minutes, with the consolation that she could not survive to enjoy the fruits of her wickedness. The daughter of Alboin and Rosamond, with the richest spoils of the Lombards, was embarked for Constantinople: the surprising strength of Peredeus amused and terrified the Imperial court;\* his blindness and revenge exhibited an imperfect copy of the adventures of Samson. By the free suffrage of the nation, in the assembly of Pavia, Clepho, one of their noblest chiefs, was elected as the successor of Alboin. Before the end of eighteen months, the throne was polluted by a second murder: Clepho was stabbed by the hand of a domestic; the regal office was suspended above ten years during the minority of his son Autharis; and Italy was divided and oppressed by a ducal aristocracy of thirty tyrants.<sup>22</sup>

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<sup>22</sup> See the history of Paul, l. ii. c. 28—32. I have borrowed some interesting circumstances from the *Liber Pontificalis* of Agnellus, in *Script. Rer. Ital.* tom. ii. p. 124. Of all chronological guides, Muratori is the safest.

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\* He killed a lion. His eyes were put out by the timid Justin. Peredeus requesting an interview, Justin substituted two patricians, whom the blinded Barbarian stabbed to the heart with two concealed daggers. See *Le Beau*, vol. x. p. 99.—M.

humiliating confession of their own weakness. The expiring dignity of Rome was only marked by the freedom and energy of her complaints: "If you are incapable," she said, "of delivering us from the sword of the Lombards, save us at least from the calamity of famine." Tiberius forgave the reproach, and relieved the distress: a supply of corn was transported from Egypt to the Tyber; and the Roman people, invoking the name, not of Camillus, but of St. Peter, repulsed the Barbarians from their walls. But the relief was accidental, the danger was perpetual and pressing; and the clergy and senate, collecting the remains of their ancient opulence, a sum of three thousand pounds of gold, despatched the patrician Pamphronius to lay their gifts and their complaints at the foot of the Byzantine throne. The attention of the court, and the forces of the East, were diverted by the Persian war: but the justice of Tiberius applied the subsidy to the defence of the city; and he dismissed the patrician with his best advice, either to bribe the Lombard chiefs, or to purchase the aid of the kings of France. Notwithstanding this weak invention, Italy was still afflicted, Rome was again besieged, and the suburb of Classe, only three miles from Ravenna, was pillaged and occupied by the troops of a simple duke of Spoleto. Maurice gave audience to a second deputation of priests and senators: the duties and the menaces of religion were forcibly urged in the letters of the Roman pontiff; and his nuncio, the deacon Gregory, was alike qualified to solicit the powers either of heaven or of the earth. The emperor adopted, with stronger effect, the measures of his predecessor: some formidable chiefs were persuaded to embrace the friendship of the Romans; and one of them, a mild and faithful Barbarian, lived and died in the service of the exarchs: the passes of the Alps were delivered to the Franks; and the pope encouraged them to violate, without scruple, their oaths and engagements to the misbelievers. Childbert, the great-grandson of Clovis, was persuaded to invade Italy by the payment of fifty thousand pieces; but, as he had viewed with delight some Byzantine coin of the weight of one pound of gold, the king of Austrasia might stipulate, that the gift should be rendered more worthy of his acceptance, by a proper mixture of these respectable medals. The dukes of the Lombards had provoked by frequent inroads their powerful neighbors of Gaul. As soon as they were apprehensive of a just retaliation, they renounced their feeble and disorderly

independence: the advantages of real government, union, secrecy, and vigor, were unanimously confessed; and Autharis, the son of Clepho, had already attained the strength and reputation of a warrior. Under the standard of their new king, the conquerors of Italy withstood three successive invasions, one of which was led by Childebert himself, the last of the Merovingian race who descended from the Alps. The first expedition was defeated by the jealous animosity of the Franks and Alemanni. In the second they were vanquished in a bloody battle, with more loss and dishonor than they had sustained since the foundation of their monarchy. Impatient for revenge, they returned a third time with accumulated force, and Autharis yielded to the fury of the torrent. The troops and treasures of the Lombards were distributed in the walled towns between the Alps and the Apennine. A nation, less sensible of danger than of fatigue and delay, soon murmured against the folly of their twenty commanders; and the hot vapors of an Italian sun infected with disease those tramontane bodies which had already suffered the vicissitudes of intemperance and famine. The powers that were inadequate to the conquest, were more than sufficient for the desolation of the country; nor could the trembling natives distinguish between their enemies and their deliverers. If the junction of the Merovingian and Imperial forces had been effected in the neighborhood of Milan, perhaps they might have subverted the throne of the Lombards; but the Franks expected six days the signal of a flaming village, and the arms of the Greeks were idly employed in the reduction of Modena and Parma, which were torn from them after the retreat of their transalpine allies. The victorious Autharis asserted his claim to the dominion of Italy. At the foot of the Rætian Alps, he subdued the resistance, and rifled the hidden treasures, of a sequestered island in the Lake of Comum. At the extreme point of the Calabria, he touched with his spear a column on the sea-shore of Rhegium,<sup>22</sup> proclaiming that ancient landmark to stand the immovable boundary of his kingdom.<sup>23</sup>

<sup>22</sup> The Columna Rhegina, in the narrowest part of the Faro of Messina, one hundred stadia from Rhegium itself, is frequently mentioned in ancient geography. Cluver. *Ital. Antiq.* tom. ii. p. 1295. Lucas Holsten. *Annotat. ad Cluver.* p. 301. Wesseling, *Itinerar.* p. 106.

<sup>23</sup> The Greek historians afford some faint hints of the wars of Italy (Menander, in *Excerpt. Legat.* p. 124, 126. Theophylact, l. iii. c. 4.)

During a period of two hundred years, Italy was unequally divided between the kingdom of the Lombards and the exarchate of Ravenna. The offices and professions, which the jealousy of Constantine had separated, were united by the indulgence of Justinian; and eighteen successive exarchs were invested, in the decline of the empire, with the full remains of civil, of military, and even of ecclesiastical, power. Their immediate jurisdiction, which was afterwards consecrated as the patrimony of St. Peter, extended over the modern Romagna, the marshes or valleys of Ferrara and Commachio,<sup>24</sup> five maritime cities from Rimini to Ancona, and a second inland Pentapolis, between the Adriatic coast and the hills of the Apennine. Three subordinate provinces, of Rome, of Venice, and of Naples, which were divided by hostile lands from the palace of Ravenna, acknowledged, both in peace and war, the supremacy of the exarch. The duchy of Rome appears to have included the Tuscan, Sabine, and Latin conquests, of the first four hundred years of the city, and the limits may be distinctly traced along the coast, from Civita Vecchia to Terracina, and with the course of the Tyber from Ameria and Narni to the port of Ostia. The numerous islands from Grado to Chiozza composed the infant dominion of Venice: but the more accessible towns on the Continent were overthrown by the Lombards, who beheld with impotent fury a new capital rising from the waves. The power of the dukes of Naples was circumscribed by the bay and the adjacent isles, by the hostile territory of Capua, and by the Roman colony of Amalphi,<sup>25</sup> whose industrious citizens, by the invention of the mariner's compass, have unveiled the face of the globe. The three islands of Sardinia, Corsica, and Sicily, still adhered to the empire; and the acqui-

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The Latins are more satisfactory; and especially Paul Warnefrid, (l. iii. c. 13—34,) who had read the more ancient histories of Secundus and Gregory of Tours. Baronius produces some letters of the popes, &c.; and the times are measured by the accurate scale of Pagi and Muratori.

<sup>24</sup> The papal advocates, Zacagni and Fontanini, might justly claim the valley or morass of Commachio as a part of the exarchate. But the ambition of including Modena, Reggio, Parma, and Placentia, has darkened a geographical question somewhat doubtful and obscure. Even Muratori, as the servant of the house of Este, is not free from partiality and prejudice.

<sup>25</sup> See Brenckman, Dissert. I<sup>ma</sup> de Republicâ Amalphitanâ, p. 1-42, ad calcem Hist. Panlect. Florent.

sition of the farther Calabria removed the landmark of *Aurtharis* from the shore of *Rhegium* to the Isthmus of *Consentia*. In *Sardinia*, the savage mountaineers preserved the liberty and religion of their ancestors; and the husbandmen of *Sicily* were chained to their rich and cultivated soil. Rome was oppressed by the iron sceptre of the exarchs, and a Greek, perhaps a eunuch, insulted with impunity the ruins of the Capitol. But *Naples* soon acquired the privilege of electing her own dukes:<sup>26</sup> the independence of *Amalphi* was the fruit of commerce; and the voluntary attachment of *Venice* was finally ennobled by an equal alliance with the Eastern empire. On the map of Italy, the measure of the exarchate occupies a very inadequate space, but it included an ample proportion of wealth, industry, and population. The most faithful and valuable subjects escaped from the Barbarian yoke; and the banners of *Pavia* and *Verona*, of *Milan* and *Padua*, were displayed in their respective quarters by the new inhabitants of *Ravenna*. The remainder of Italy was possessed by the Lombards; and from *Pavia*, the royal seat, their kingdom was extended to the east, the north, and the west, as far as the confines of the *Avars*, the *Bavarians*, and the *Franks* of *Austrasia* and *Burgundy*. In the language of modern geography, it is now represented by the *Terra Firma* of the Venetian republic, *Tyrol*, the *Milanese*, *Piedmont*, the coast of *Genoa*, *Mantua*, *Parma*, and *Modena*, the grand duchy of *Tuscany*, and a large portion of the ecclesiastical state from *Perugia* to the *Adriatic*. The dukes, and at length the princes, of *Beneventum*, survived the monarchy, and propagated the name of the Lombards. From *Capua* to *Tarentum*, they reigned near five hundred years over the greatest part of the present kingdom of *Naples*.<sup>27</sup>

In comparing the proportion of the victorious and the vanquished people, the change of language will afford the most probably inference. According to this standard, it will appear, that the Lombards of Italy, and the Visigoths of Spain, were

<sup>26</sup> *Gregor. Magn. l. iii. epist. 23, 25.*

<sup>27</sup> I have described the state of Italy from the excellent Dissertation of *Beretti*. *Giannone* (*Istoria Civile*, tom. i. p. 374—387) has followed the learned *Camillo Pellegrini* in the geography of the kingdom of *Naples*. After the loss of the true Calabria, the vanity of the Greeks substituted that name instead of the more ignoble appellation of *Bruttium*; and the change appears to have taken place before the time of *Charlemagne*, (*Eginart*, p. 75.)

ment a foreign race of oxen or buffaloes.<sup>44</sup> The depopulation of Lombardy, and the increase of forests, afforded an ample range for the pleasures of the chase.<sup>45</sup> That marvellous art which teaches the birds of the air to acknowledge the voice, and execute the commands, of their master, had been unknown to the ingenuity of the Greeks and Romans.<sup>46</sup> Scandinavia and Scythia produce the boldest and most tractable falcons:<sup>47</sup> they were tamed and educated by the roving inhabitants, always on horseback and in the field. This favorite amusement of our ancestors was introduced by the Barbarians into the Roman provinces; and the laws of Italy esteemed the sword and the hawk as of equal dignity and importance in the hands of a noble Lombard.<sup>48</sup>

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greges. Paul, l. ii. c. 9. The Lombards afterwards introduced *caballi sylvatici*—wild horses. Paul, l. iv. c. 11.

<sup>44</sup> Tunc (A. D. 596) primum, *bubali* in Italiam delati Italiæ populæ miracula fuere, (Paul Warnefrid, l. iv. c. 11.) The buffaloes, whose native climate appears to be Africa and India, are unknown to Europe, except in Italy, where they are numerous and useful. The ancients were ignorant of these animals, unless Aristotle (*Hist. Anim.* l. ii. c. 1, p. 58, Paris, 1783) has described them as the wild oxen of *Arachonia*. See Buffon, *Hist. Naturelle*, tom. xi. and Supplement, tom. vi. *Hist. Générale des Voyages*, tom. i. p. 7, 481, ii. 105, iii. 291, iv. 234, 461, v. 193, vi. 491, viii. 400, x. 666. Pennant's *Quadrupedes*, p. 24. *Dictionnaire d'Hist. Naturelle*, par Valmont de Bomare, tom. ii. p. 74. Yet I must not conceal the suspicion that Paul, by a vulgar error, may have applied the name of *bubalus* to the aurochs, or wild bull, of ancient Germany.

<sup>45</sup> Consult the xxist Dissertation of Muratori.

<sup>46</sup> Their ignorance is proved by the silence even of those who professedly treat of the arts of hunting and the history of animals. Aristotle, (*Hist. Animal.* l. ix. c. 36, tom. i. p. 586, and the Notes of his last editor, M. Camus, tom. ii. p. 314,) Pliny, (*Hist. Natur.* l. x. c. 10,) Ælian (*de Natur. Animal.* l. ii. c. 42,) and perhaps Homer, (*Odys.* xxii. 302—306,) describe with astonishment a tacit league and common chase between the hawks and the Thracian fowls.

<sup>47</sup> Particularly the *gerfaut*, or gyrfalcon, of the size of a small eagle. See the animated description of M. de Buffon, *Hist. Naturelle*, tom. xvi. p. 239, &c.

<sup>48</sup> *Script. Rerum Italicarum*, tom. i. part ii. p. 129. This is the xvith law of the emperor Lewis the Pious. His father Charlemagne had falconers in his household as well as huntsmen, (*Mémoires sur l'ancienne Chevalerie*, par M. de St. Palaye, tom. iii. p. 175.) I observe in the laws of Rotharis a more early mention of the art of hawking, (No. 222;) and in Gaul, in the fifth century, it is celebrated by Sidonius Apollinaris among the talents of Avitus, (202—207.)\*

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\* See Beckman, *Hist. of Inventions*, vol. i. p. 319 —M.



So rapid was the influence of climate and example, that the Lombards of the fourth generation surveyed with curiosity and affright the portraits of their savage forefathers.<sup>49</sup> Their heads were shaven behind, but the shaggy locks hung over their eyes and mouth, and a long beard represented the name and character of the nation. Their dress consisted of loose linen garments, after the fashion of the Anglo-Saxons, which were decorated, in their opinion, with broad stripes or variegated colors. The legs and feet were clothed in long hose, and open sandals; and even in the security of peace a trusty sword was constantly girt to their side. Yet this strange apparel, and horrid aspect, often concealed a gentle and generous disposition; and as soon as the rage of battle had subsided, the captives and subjects were sometimes surprised by the humanity of the victor. The vices of the Lombards were the effect of passion, of ignorance, of intoxication; their virtues are the more laudable, as they were not affected by the hypocrisy of social manners, nor imposed by the rigid constraint of laws and education. I should not be apprehensive of deviating from my subject, if it were in my power to delineate the private life of the conquerors of Italy; and I shall relate with pleasure the adventurous gallantry of Autharis, which breathes the true spirit of chivalry and romance.<sup>50</sup> After the loss of his promised bride, a Merovingian princess, he sought in marriage the daughter of the king of Bavaria; and Garribald accepted the alliance of the Italian monarch. Impatient of the slow progress of negotiation, the ardent lover escaped from his palace, and visited the court of Bavaria in the train of his own embassy. At the public audience, the unknown stranger advanced to the throne, and informed Garribald that the ambassador was indeed the

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<sup>49</sup> The epitaph of Droctulf (Paul, l. iii. c. 19) may be applied to many of his countrymen:—

*Terribilis visu facies, sed corda benignus  
Longaque robusto pectore barba fuit.*

The portraits of the old Lombards might still be seen in the palace of Monza, twelve miles from Milan, which had been founded or restored by Queen Theudelinda, (l. iv. 22, 23.) See Muratori, tom. i. dissertat. xxiii. p. 300.

<sup>50</sup> The story of Autharis and Theudelinda is related by Paul, l. iii. c. 29, 34; and any fragment of Bavarian antiquity excites the indefatigable diligence of the count de Buat, *Hist. des Peuples de l'Europe*, tom. xi. p. 695—635, tom. xii. p. 1—53.

minister of state, but that he alone was the friend of Autharis, who had trusted him with the delicate commission of making a faithful report of the charms of his spouse. Theudelinda was summoned to undergo this important examination; and, after a pause of silent rapture, he hailed her as the queen of Italy, and humbly requested that, according to the custom of the nation, she would present a cup of wine to the first of her new subjects. By the command of her father she obeyed: Autharis received the cup in his turn, and, in restoring it to the princess, he secretly touched her hand, and drew his own finger over his face and lips. In the evening, Theudelinda imparted to her nurse the indiscreet familiarity of the stranger, and was comforted by the assurance, that such boldness could proceed only from the king her husband, who, by his beauty and courage, appeared worthy of her love. The ambassadors were dismissed: no sooner did they reach the confines of Italy than Autharis, raising himself on his horse, darted his battle-axe against a tree with incomparable strength and dexterity. "Such," said he to the astonished Bavarians, "such are the strokes of the king of the Lombards." On the approach of a French army, Garribald and his daughter took refuge in the dominions of their ally; and the marriage was consummated in the palace of Verona. At the end of one year, it was dissolved by the death of Autharis: but the virtues of Theudelinda<sup>21</sup> had endeared her to the nation, and she was permitted to bestow, with her hand, the sceptre of the Italian kingdom.

From this fact, as well as from similar events,<sup>22</sup> it is certain that the Lombards possessed freedom to elect their sovereign, and sense to decline the frequent use of that dangerous privilege. The public revenue arose from the produce of land and the profits of justice. When the independent dukes agreed that Autharis should ascend the throne of his father, they endowed the regal office with a fair moiety of their respective domains. The proudest nobles aspired to the honors of servitude near the person of their prince: he

<sup>21</sup> Giannone (*Istoria Civile de Napoli*, tom. i. p. 263) has justly censured the impertinence of Boccaccio, (*Gio. iii. Novel. 2.*) who, without right, or truth, or pretence, has given the pious queen Theudelinda to the arms of a muleteer.

<sup>22</sup> Paul, l. iii. c. 16. The first dissertations of Muratori, and the first volume of Giannone's history, may be consulted for the state of the kingdom of Italy.

rewarded the fidelity of his vassals by the precarious gift of pensions and *benefices*; and atoned for the injuries of war by the rich foundation of monasteries and churches. In peace a judge, a leader in war, he never usurped the powers of a sole and absolute legislator. The king of Italy convened the national assemblies in the palace, or more probably in the fields, of Pavia: his great council was composed of the persons most eminent by their birth and dignities; but the validity, as well as the execution, of their decrees depended on the approbation of the *faithful* people, the *fortunate* army of the Lombards. About fourscore years after the conquest of Italy, their traditional customs were transcribed in Teutonic Latin,<sup>66</sup> and ratified by the consent of the prince and people: some new regulations were introduced, more suitable to their present condition; the example of Rotharis was imitated by the wisest of his successors; and the laws of the Lombards have been esteemed the least imperfect of the Barbaric codes.<sup>67</sup> Secure by their courage in the possession of liberty, these rude and hasty legislators were incapable of balancing the powers of the constitution, or of discussing the nice theory of political government. Such crimes as threatened the life of the sovereign, or the safety of the state, were adjudged worthy of death; but their attention was principally confined to the defence of the person and property of the subject. According to the strange jurisprudence of the times, the guilt of blood might be redeemed by a fine; yet the high price of nine hundred pieces of gold declares a just sense of the value of a simple citizen. Less atrocious injuries, a wound, a fracture, a blow, an opprobrious word, were measured with scrupulous and almost ridiculous diligence; and the prudence of the legislator encouraged the ignoble practice of bartering honor and revenge for a pecuniary compensation. The ignorance of the Lombards in the state of Paganism or Christianity gave implicit credit to the malice and mischief of witchcraft, but the judges of the seventeenth century might have been instructed and confounded by the wisdom of Rotharis, who

<sup>66</sup> The most accurate edition of the Laws of the Lombards is to be found in the *Scriptores Rerum Italicarum*, tom. i. part ii. p. 1—181, collated from the most ancient MSS. and illustrated by the critical notes of Muratori.

<sup>67</sup> Montesquieu, *Esprit des Loix*, l. xxviii. c. 1. Les loix des Bourguignons sont assez judicieuses; celles de Rotharis et des autres princes Lombards le sont encore plus.

derides the absurd superstition, and protects the wretched victims of popular or judicial cruelty.<sup>55</sup> The same spirit of a legislator, superior to his age and country, may be ascribed to Luitprand, who condemns, while he tolerates, the impious and inveterate abuse of duels,<sup>56</sup> observing, from his own experience, that the juster cause had often been oppressed by successful violence. Whatever merit may be discovered in the laws of the Lombards, they are the genuine fruit of the reason of the Barbarians, who never admitted the bishops of Italy to a seat in their legislative councils. But the succession of their kings is marked with virtue and ability; the troubled series of their annals is adorned with fair intervals of peace, order, and domestic happiness; and the Italians enjoyed a milder and more equitable government, than any of the other kingdoms which had been founded on the ruins of the Western empire.<sup>57</sup>

Amidst the arms of the Lombards, and under the despotism of the Greeks, we again inquire into the fate of Rome,<sup>58</sup> which had reached, about the close of the sixth century, the lowest period of her depression. By the removal of the seat of empire, and the successive loss of the provinces, the sources of public and private opulence were exhausted: the lofty tree, under whose shade the nations of the earth had reposed, was deprived of its leaves and branches, and the sapless trunk was left to wither on the ground. The ministers of command, and the messengers of victory, no longer met on the Apian or Flaminian way; and the hostile ap-

<sup>55</sup> See *Leges Rotharis*, No. 379, p. 47. *Striga* is used as the name of a witch. It is of the purest classic origin, (*Horat. epod. v. 20. Petron. c. 134.*) and from the words of Petronius, (*quæ striges comedunt nervos tuos?*) it may be inferred that the prejudice was of Italian rather than Barbaric extraction.

<sup>56</sup> *Quia incerti sumus de iudicio Dei, et multos audivimus per pugnam sine justâ causâ suam causam perdere. Sed, propter consuetudinem gentem nostram Langobardorum legem impiam vetare non possumus.* See p. 74, No. 65, of the *Laws of Luitprand*, promulgated A. D. 724.

<sup>57</sup> Read the history of Paul Warnefrid; particularly l. iii. c. 16. Baronius rejects the praise, which appears to contradict the invectives of Pope Gregory the Great; but Muratori (*Annali d' Italia*, tom. v. p. 217) presumes to insinuate that the saint may have magnified the faults of Arians and enemies.

<sup>58</sup> The passages of the homilies of Gregory, which represent the miserable state of the city and country, are transcribed in the *Annals* of Baronius, A. D. 590, No. 16, A. D. 595, No. 2, &c., &c.

proach of the Lombards was often felt, and continually feared. The inhabitants of a potent and peaceful capital, who visit without an anxious thought the garden of the adjacent country, will faintly picture in their fancy the distress of the Romans: they shut or opened their gates with a trembling hand, beheld from the walls the flames of their houses, and heard the lamentations of their brethren, who were coupled together like dogs, and dragged away into distant slavery beyond the sea and the mountains. Such incessant alarms must annihilate the pleasures and interrupt the labors of a rural life; and the Campagna of Rome was speedily reduced to the state of a dreary wilderness, in which the land is barren, the waters are impure, and the air is infectious. Curiosity and ambition no longer attracted the nations to the capital of the world: but, if chance or necessity directed the steps of a wandering stranger, he contemplated with horror the vacancy and solitude of the city, and might be tempted to ask, Where is the senate, and where are the people? In a season of excessive rains, the Tyber swelled above its banks, and rushed with irresistible violence into the valleys of the seven hills. A pestilential disease arose from the stagnation of the deluge, and so rapid was the contagion, that fourscore persons expired in an hour in the midst of a solemn procession, which implored the mercy of Heaven.\* A society in which marriage is encouraged and industry prevails soon repairs the accidental losses of pestilence and war: but, as the far greater part of the Romans was condemned to hopeless indigence and celibacy, the depopulation was constant and visible, and the gloomy enthusiasts might expect the approaching failure of the human race.\*\* Yet the number of citizens still exceeded the measure of subsistence: their precarious food was supplied from the harvests of Sicily or Egypt; and the frequent repetition of famine betrays the inattention of the emperor to a distant province. The edi-

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\* The inundation and plague were reported by a deacon, whom his bishop, Gregory of Tours, had despatched to Rome for some relics. The ingenious messenger embellished his tale and the river with a great dragon and a train of little serpents, (Greg. Turon. l. x. c. 1.)

\*\* Gregory of Rome (Dialog. l. ii. c. 15) relates a memorable prediction of St. Benedict. Roma à Gentilibus non exterminabitur sed tempestatibus, coruscis turbinibus ac terræ motû in semetipsa marcescet. Such a prophecy melts into true history, and becomes the evidence of the fact after which it was invented.

fices of Rome were exposed to the same ruin and decay : the mouldering fabrics were easily overthrown by inundations, tempests and earthquakes : and the monks, who had occupied the most advantageous stations, exulted in their base triumph over the ruins of antiquity.<sup>61</sup> It is commonly believed, that Pope Gregory the First attacked the temples and mutilated the statues of the city ; that, by the command of the Barbarian, the Palatine library was reduced to ashes, and that the history of Livy was the peculiar mark of his absurd and mischievous fanaticism. The writings of Gregory himself reveal his implacable aversion to the monuments of classic genius ; and he points his severest censure against the profane learning of a bishop, who taught the art of grammar, studied the Latin poets, and pronounced with the same voice the praises of Jupiter and those of Christ. But the evidence of his destructive rage is doubtful and recent : the Temple of Peace, or the theatre of Marcellus, have been demolished by the slow operation of ages, and a formal proscription would have multiplied the copies of Virgil and Livy in the countries which were not subject to the ecclesiastical dictator.<sup>62</sup>

Like Thebes, or Babylon, or Carthage, the names of Rome might have been erased from the earth, if the city had not been animated by a vital principle, which again restored her to honor and dominion. A vague tradition was embraced, that two Jewish teachers, a tent-maker and a fisherman, had formerly been executed in the circus of Nero, and at the end of five hundred years, their genuine or fictitious relics were adored as the Palladium of Christian Rome. The pilgrims of the East and West resorted to the holy threshold ; but the shrines of the apostles were guarded by miracles and invisible terrors ; and it was not without fear that the pious Catholic approached the object of his worship. It was fatal to touch, it was dangerous to behold, the bodies of the saints ; and those who, from the purest motives, presumed to disturb the

<sup>61</sup> Quia in uno se ore cum Jovis laudibus, Christi laudes non capiunt, et quam grave nefandumque sit episcopis canere quod nec laico religioso conveniat, ipse considera, (l. ix. ep. 4.) The writings of Gregory himself attest his innocence of any classic taste or literature.

<sup>62</sup> Bayle, (*Dictionnaire Critique*, tom. ii. 598, 569,) in a very good article of *Gregoire I.*, has quoted, for the buildings and statues, *Platina* in *Gregorio I.* ; for the Palatine library, *John of Salisbury*, (*de Nugis Curialium*, l. ii. c. 26.) and for Livy, *Antoninus of Florence* : the eldest of the three lived in the xiith century.

repose of the sanctuary, were affrighted by visions, or punished with sudden death. The unreasonable request of an empress, who wished to deprive the Romans of their sacred treasure, the head of St. Paul, was rejected with the deepest abhorrence; and the pope asserted, most probably with truth, that a linen which had been sanctified in the neighborhood of his body, or the filings of his chain, which it was sometimes easy and sometimes impossible to obtain, possessed an equal degree of miraculous virtue.<sup>55</sup> But the power as well as virtue of the apostles resided with living energy in the breast of their successors; and the chair of St. Peter was filled under the reign of Maurice by the first and greatest of the name of Gregory.<sup>56</sup> His grandfather Felix had himself been pope, and as the bishops were already bound by the laws of celibacy, his consecration must have been preceded by the death of his wife. The parents of Gregory, Sylvia, and Gordian, were the noblest of the senate, and the most pious of the church of Rome; his female relations were numbered among the saints and virgins; and his own figure, with those of his father and mother, were represented near three hundred years in a family portrait,<sup>57</sup> which he offered to the monastery of St.

<sup>55</sup> Gregor. I. iii. epist. 24, edict. 12, &c. From the epistles of Gregory, and the viiith volume of the Annals of Baronius, the pious reader may collect the particles of holy iron which were inserted in keys or crosses of gold, and distributed in Britain, Gaul, Spain, Africa, Constantinople, and Egypt. The pontifical smith who handled the file must have understood the miracles which it was in his own power to operate or withhold; a circumstance which abates the superstition of Gregory at the expense of his veracity.

<sup>56</sup> Besides the epistles of Gregory himself, which are methodized by Dupin, (*Bibliothèque Eccles.* tom. v. p. 103—126,) we have three lives of the pope; the two first written in the viiith and ixth centuries, (*de Triplici Vita St. Greg.* Preface to the ivth volume of the Benedictine edition,) by the deacons Paul (p. 1—18) and John, (p. 19—188,) and containing much original, though doubtful, evidence; the third, a long and labored compilation by the Benedictine editors, (p. 199—305.) The annals of Baronius are a copious but partial history. His papal prejudices are tempered by the good sense of Fleury, (*Hist. Eccles.* tom. viii.) and his chronology has been rectified by the criticism of Pagi and Muratori.

<sup>57</sup> John the deacon has described them like an eye-witness, (l. i. c. 83, 84;) and his description is illustrated by Angelo Rocca, a Roman antiquary, (*St. Greg. Opera*, tom. iv. p. 312—326;) who observes that some mosaics of the popes of the viith century are still preserved in the old churches of Rome, (p. 321—323.) The same walls which represented Gregory's family are now decorated with the martyrdom of St. Andrew, the noble contest of Dominichino and Guido.

Andrew. The design and coloring of this picture afford an honorable testimony that the art of painting was cultivated by the Italians of the sixth century; but the most abject ideas must be entertained of their taste and learning, since the epistles of Gregory, his sermons, and his dialogues, are the work of a man who was second in erudition to none of his contemporaries: "his birth and abilities had raised him to the office of præfect of the city, and he enjoyed the merit of renouncing the pomps and vanities of this world. His ample patrimony was dedicated to the foundation of seven monasteries," one in Rome," and six in Sicily; and it was the wish of Gregory that he might be unknown in this life, and glorious only in the next. Yet his devotion (and it might be sincere) pursued the path which would have been chosen by a crafty and ambitious statesman. The talents of Gregory, and the splendor which accompanied his retreat, rendered him dear and useful to the church; and implicit obedience has always been inculcated as the first duty of a monk. As soon as he had received the character of deacon, Gregory was sent to reside at the Byzantine court, the nuncio or minister of the apostolic see; and he boldly assumed, in the name of St. Peter, a tone of independent dignity, which would have been criminal and dangerous in the most illustrious layman of the empire. He returned to Rome with a just increase of reputation, and, after a short exercise of the monastic virtues, he was dragged from the cloister to the papal throne, by the unanimous voice of the clergy, the senate, and the people.

<sup>66</sup> *Disciplinis vero liberalibus, hoc est grammaticâ, rhetoricâ, dialecticâ ita apuero est institutus, ut quamvis eo tempore florerent adhuc Romæ studia literarum, tamen nulli in urbe ipsâ secundus putaretur.* Paul. Diacon. in Vit. St. Gregor. c. 2.

<sup>67</sup> The Benedictines (Vit. Greg. l. i. p. 205—208) labor to reduce the monasteries of Gregory within the rule of their own order; but, as the question is confessed to be doubtful, it is clear that these powerful monks are in the wrong. See Butler's *Lives of the Saints*, vol. iii. p. 145; a work of merit: the sense and learning belong to the author—his prejudices are those of his profession.

<sup>68</sup> *Monasterium Gregorianum in ejusdem Beati Gregorii ædibus ad clivum Scauri prope ecclesiam SS. Johannis et Pauli in honorem St. Andreæ, (John, in Vit. Greg. l. i. c. 6. Greg. l. vii. epist. 13.) This house and monastery were situate on the side of the Cælian hill which fronts the Palatine; they are now occupied by the Camaldoli: San Gregorio triumphs, and St. Andrew has retired to a small chapel Nardini, Roma Antica, l. iii. c. 6, p. 100. Descrizione di Roma, tom. i. p. 442—446.*



He alone resisted, or seemed to resist, his own elevation; and his humble petition, that Maurice would be pleased to reject the choice of the Romans, could only serve to exalt his character in the eyes of the emperor and the public. When the fatal mandate was proclaimed, Gregory solicited the aid of some friendly merchants to convey him in a basket beyond the gates of Rome, and modestly concealed himself some days among the woods and mountains, till his retreat was discovered, as it is said, by a celestial light.

The pontificate of Gregory the *Great*, which lasted thirteen years, six months, and ten days, is one of the most edifying periods of the history of the church. His virtues, and even his faults, a singular mixture of simplicity and cunning, of pride and humility, of sense and superstition, were happily suited to his station and to the temper of the times. In his rival, the patriarch of Constantinople, he condemned the anti-Christian title of universal bishop, which the successor of St. Peter was too haughty to concede, and too feeble to assume; and the ecclesiastical jurisdiction of Gregory was confined to the triple character of Bishop of Rome, Primate of Italy, and Apostle of the West. He frequently ascended the pulpit, and kindled, by his rude, though pathetic, eloquence, the congenial passions of his audience: the language of the Jewish prophets was interpreted and applied; and the minds of a people, depressed by their present calamities, were directed to the hopes and fears of the invisible world. His precepts and example defined the model of the Roman liturgy;<sup>66</sup> the distribution of the parishes, the calendar of the festivals, the order of processions, the service of the priests and deacons, the variety and change of sacerdotal garments. Till the last days of his life, he officiated in the canon of the mass, which continued above three hours: the Gregorian chant<sup>67</sup> has preserved the vocal and instrumental music of the theatre, and the rough voices of the

<sup>66</sup> The Lord's Prayer consists of half a dozen lines; the Sacramentarius and Antiphonarius of Gregory fill 880 folio pages, (tom. iii. p. i. p. 1—880;) yet these only constitute a part of the *Ordo Romanus*, which Mabillon has illustrated and Fleury has abridged, (Hist. Eccles. tom. viii. p. 139—152.)

<sup>67</sup> I learn from the Abbé Dobos, (*Réflexions sur la Poésie et la Peinture*, tom. iii. p. 174, 178,) that the simplicity of the Ambrosian chant was confined to four *modes*, while the more perfect harmony of the Gregorian comprised the eight modes or fifteen chords of the ancient music. He observes (p. 332) that the connoisseurs admire the preface and many passages of the Gregorian office.

son, their stated portion of corn, wine, cheese, vegetables, oil, fish, fresh provisions, clothes, and money; and his treasurers were continually summoned to satisfy, in his name, the extraordinary demands of indigence and merit. The instant distress of the sick and helpless, of strangers and pilgrims, was relieved by the bounty of each day, and of every hour; nor would the pontiff indulge himself in a frugal repast, till he had sent the dishes from his own table to some objects deserving of his compassion. The misery of the times had reduced the nobles and matrons of Rome to accept, without a blush, the benevolence of the church: three thousand virgins received their food and raiment from the hand of their benefactor; and many bishops of Italy escaped from the Barbarians to the hospitable threshold of the Vatican. Gregory might justly be styled the Father of his Country; and such was the extreme sensibility of his conscience, that, for the death of a beggar who had perished in the streets, he interdicted himself during several days from the exercise of sacerdotal functions. II. The misfortunes of Rome involved the apostolical pastor in the business of peace and war; and it might be doubtful to himself, whether piety or ambition prompted him to supply the place of his absent sovereign. Gregory awakened the emperor from a long slumber; exposed the guilt or incapacity of the exarch and his inferior ministers; complained that the veterans were withdrawn from Rome for the defence of Spoleto; encouraged the Italians to guard their cities and altars; and condescended, in the crisis of danger, to name the tribunes, and to direct the operations, of the provincial troops. But the martial spirit of the pope was checked by the scruples of humanity and religion: the imposition of tribute, though it was employed in the Italian war, he freely condemned as odious and oppressive; whilst he protected, against the Imperial edicts, the pious cowardice of the soldiers who deserted a military for a monastic life. If we may credit his own declarations, it would have been easy for Gregory to exterminate the Lombards by their domestic factions, without leaving a king, a duke, or a count, to save that unfortunate nation from the vengeance of their foes. As a Christian bishop, he preferred the salutary offices of peace; his mediation appeased the tumult of arms: but he was too conscious of the arts of the Greeks, and the passions of the Lombards, to engage his sacred promise for the observance of the truce. Disappointed in the hope of a general

and lasting treaty, he presumed to save his country without the consent of the emperor or the exarch. The sword of the enemy was suspended over Rome; it was averted by the mild eloquence and seasonable gifts of the pontiff, who commanded the respect of heretics and Barbarians. The merits of Gregory were treated by the Byzantine court with reproach and insult; but in the attachment of a grateful people, he found the purest reward of a citizen, and the best right of a sovereign.<sup>18</sup>

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<sup>18</sup> The temporal reign of Gregory I. is ably exposed by Sigonius in the first book, de Regno Italia. See his works, tom. ii. p. 44—75

## CHAPTER XLVI.

REVOLUTIONS OF PERSIA AFTER THE DEATH OF CHOSROES OR NUSHIRVAN.—HIS SON HORMOUZ, A TYRANT, IS DEPOSED.—USURPATION OF BAHARAM.—FLIGHT AND RESTORATION OF CHOSROES II.—HIS GRATITUDE TO THE ROMANS.—THE CHAGAN OF THE AVARS.—REVOLT OF THE ARMY AGAINST MAURICE.—HIS DEATH.—TYRANNY OF PHOCAS.—ELEVATION OF HERACLIUS.—THE PERSIAN WAR.—CHOSROES SUBDUES SYRIA, EGYPT, AND ASIA MINOR.—SIEGE OF CONSTANTINOPLE BY THE PERSIANS AND AVARS.—PERSIAN EXPEDITIONS.—VICTORIES AND TRIUMPH OF HERACLIUS.

THE conflict of Rome and Persia was prolonged from the death of Crassus to the reign of Heraclius. An experience of seven hundred years might convince the rival nations of the impossibility of maintaining their conquests beyond the fatal limits of the Tigris and Euphrates. Yet the emulation of Trajan and Julian was awakened by the trophies of Alexander, and the sovereigns of Persia indulged the ambitious hope of restoring the empire of Cyrus.<sup>1</sup> Such extraordinary efforts of power and courage will always command the attention of posterity; but the events by which the fate of nations is not materially changed, leave a faint impression on the page of history, and the patience of the reader would be exhausted by the repetition of the same hostilities, undertaken without cause, prosecuted without glory, and terminated without effect. The arts of negotiation, unknown to the simple greatness of the senate and the Cæsars, were assiduously cultivated by the Byzantine princes; and the men orials of their perpetual embassies<sup>2</sup> repeat, with the same uniform prolixity, the language of falsehood and declamation, the insolence of the

<sup>1</sup> *Missis qui . . . reposcerent . . . veteres Persarum ac Macedonum terminos, seque invasurum possessa Cyro et post Alexandro, per vaniloquentiam ac minas jaciebat.* Tacit. Annal. vi. 31. Such was the language of the *Arsacides*. I have repeatedly marked the lofty claims of the *Sassanians*.

<sup>2</sup> See the embassies of Menander, extracted and preserved in the xth century by the order of Constantine Porphyrogenitus.

Barbarians, and the servile temper of the tributary Greeks. Lamenting the barren superfluity of materials, I have studied to compress the narrative of these uninteresting transactions: but the just Nushirvan is still applauded as the model of Oriental kings, and the ambition of his grandson Chosroes prepared the revolution of the East, which was speedily accomplished by the arms and the religion of the successors of Mahomet.

In the useless altercations, that precede and justify the quarrels of princes, the Greeks and the Barbarians accused each other of violating the peace which had been concluded between the two empires about four years before the death of Justinian. The sovereign of Persia and India aspired to reduce under his obedience the provinces of Yemen or Arabia<sup>\*</sup> Felix; the distant land of myrrh and frankincense, which had escaped, rather than opposed, the conquerors of the East. After the defeat of Abrahah under the walls of Mecca, the discord of his sons and brothers gave an easy entrance to the Persians: they chased the strangers of Abyssinia beyond the Red Sea; and a native prince of the ancient Homerites was restored to the throne as the vassal or viceroy of the great Nushirvan.<sup>†</sup> But the nephew of Justinian declared his reso-

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\* The general independence of the Arabs, which cannot be admitted without many limitations, is blindly asserted in a separate dissertation of the authors of the Universal History, vol. xx. p. 196—250. A perpetual miracle is supposed to have guarded the prophecy in favor of the posterity of Ishmael; and these learned bigots are not afraid to risk the truth of Christianity on this frail and slippery foundation.\*

† D'Herbelot, Biblioth. Orient. p. 477. Pocock, Specimen Hist. Arabum, p. 64, 65. Father Pagi (Critica, tom. ii. p. 646) has proved that, after ten years' peace, the Persian war, which continued twenty years, was renewed A. D. 571. Mahomet was born A. D. 569, in the year of the elephant, or the defeat of Abrahah, (Gagnier, Vie de Mahomet, tom. i. p. 89, 90, 98;) and this account allows two years for the conquest of Yemen.†

\* It certainly appears difficult to extract a prediction of the perpetual independence of the Arabs from the text in Genesis, which would have received an ample fulfilment during centuries of uninvaded freedom. But the disputants appear to forget the inseparable connection in the prediction between the wild, the Bedoween habits of the Ismaelites, with their national independence. The stationary and civilized descendant of Ismael forfeited, as it were, his birthright, and ceased to be a genuine son of the "wild man." The phrase, "dwelling in the presence of his brethren," is interpreted by Rosenmüller (in loc.) and others, according to the Hebrew geography, "to the East" of his brethren, the legitimate race of Abraham.

† Abrahah, according to some accounts, was succeeded by his son

of an elephant. After this unsuccessful campaign, the want of magazines, and perhaps some inroad of the Turks, obliged him to disband or divide his forces; the Romans were left masters of the field, and their general Justinian, advancing to the relief of the Persarmenian rebels, erected his standard on the banks of the Araxes. The great Pompey had formerly halted within three days' march of the Caspian:<sup>a</sup> that inland sea was explored, for the first time, by a hostile fleet,<sup>b</sup> and seventy thousand captives were transplanted from Hyrcania to the Isle of Cyprus. On the return of spring, Justinian descended into the fertile plains of Assyria; the flames of war approached the residence of Nushirvan; the indignant monarch sunk into the grave; and his last edict restrained his successors from exposing their person in battle against the Romans.\* Yet the memory of this transient affront was lost in the glories of a long reign; and his formidable enemies, after indulging their dream of conquest, again solicited a short respite from the calamities of war.

The throne of Chosroes Nushirvan was filled by Hormouz, or Hormisdas, the eldest or the most favored of his sons. With the kingdoms of Persia and India, he inherited the reputation and example of his father, the service, in every rank, of his wise and valiant officers, and a general system of administration, harmonized by time and political wisdom to pro-

<sup>a</sup> He had vanquished the Albanians, who brought into the field 12,000 horse and 60,000 foot; but he dreaded the multitude of venomous reptiles, whose existence may admit of some doubt, as well as that of the neighboring Amazons. Plutarch, in Pompeio, tom. ii. p. 1165, 1166.

<sup>b</sup> In the history of the world I can only perceive two navies on the Caspian: 1. Of the Macedonians, when Patrocles, the admiral of the kings of Syria, Seleucus and Antiochus, descended most probably the River Oxus, from the confines of India, (Plin. Hist. Natur. vi. 21.) 2. Of the Russians, when Peter the First conducted a fleet and army from the neighborhood of Moscow to the coast of Persia, (Bell's Travels, vol. ii. p. 325—352.) He justly observes, that such martial pomp had never been displayed on the Volga.

<sup>c</sup> For these Persian wars and treaties, see Menander, in Excerpt. Legat. p. 118—125. Theophanes Byzant. apud Photium, cod. lxiiv p. 77, 80, 81. Evagrius, I. v. c. 7—15. Theophylact, I. iii. c. 9—16. Agathias, I. iv. p. 140.

<sup>d</sup> This circumstance rests on the statements of Evagrius and Theophylact Simocatta. They are not of sufficient authority to establish a fact so improbable. St. Martin, vol. x. p. 140.—M.

mote the happiness of the prince and people. But the royal youth enjoyed a still more valuable blessing, the friendship of a sage who had presided over his education, and who always preferred the honor to the interest of his pupil, his interest to his inclination. In a dispute with the Greek and Indian philosophers, Buzurg\* had once maintained, that the most grievous misfortune of life is old age without the remembrance of virtue; and our candor will presume that the same principle compelled him, during three years, to direct the councils of the Persian empire. His zeal was rewarded by the gratitude and docility of Hormouz, who acknowledged himself more indebted to his preceptor than to his parent: but when age and labor had impaired the strength, and perhaps the faculties, of this prudent counsellor, he retired from court, and abandoned the youthful monarch to his own passions and those of his favorites. By the fatal vicissitude of human affairs, the same scenes were renewed at Ctesiphon, which had been exhibited at Rome after the death of Marcus Antoninus. The ministers of flattery and corruption, who had been banished by his father, were recalled and cherished by the son; the disgrace and exile of the friends of Nushirvan established their tyranny; and virtue was driven by degrees from the mind of Hormouz, from his palace, and from the government of the state. The faithful agents, the eyes and ears of the king, informed him of the progress of disorder, that the provincial governors flew to their prey with the fierceness of lions and eagles, and that their rapine and injustice would teach the most loyal of his subjects to abhor the name and authority of their sovereign. The sincerity of this advice was punished with death; the murmurs of the cities were despised, their tumults were quelled by military execution: the intermediate powers between the throne and the people were abolished; and the childish vanity of Hormouz, who affected the daily use of the tiara, was fond of declaring, that he alone would be the judge as well as the master of his king-

\* Buzurg Mihir may be considered, in his character and station, as the Seneca of the East; but his virtues, and perhaps his faults, are less known than those of the Roman, who appears to have been much more loquacious. The Persian sage was the person who imported from India the game of chess and the fables of Pilpay. Such has been the fame of his wisdom and virtues, that the Christians claim him as a believer in the gospel; and the Mahometans revere Buzurg as a premature Mussulman. D'Herbelot, Bibliothèque Orientale, p. 218.

dom. In every word, and in every action, the son of Nushirvan degenerated from the virtues of his father. His avarice defrauded the troops; his jealous caprice degraded the satraps; the palace, the tribunals, the waters of the Tigris, were stained with the blood of the innocent, and the tyrant exulted in the sufferings and execution of thirteen thousand victims. As the excuse of his cruelty, he sometimes condescended to observe, that the fears of the Persians would be productive of hatred, and that their hatred must terminate in rebellion; but he forgot that his own guilt and folly had inspired the sentiments which he deplored, and prepared the event which he so justly apprehended. Exasperated by long and hopeless oppression, the provinces of Babylon, Susa, and Carmania, erected the standard of revolt; and the princes of Arabia, India, and Scythia, refused the customary tribute to the unworthy successor of Nushirvan. The arms of the Romans, in slow sieges and frequent inroads, afflicted the frontiers of Mesopotamia and Assyria: one of their generals professed himself the disciple of Scipio; and the soldiers were animated by a miraculous image of Christ, whose mild aspect should never have been displayed in the front of battle.\* At the same time, the eastern provinces of Persia were invaded by the great khan, who passed the Oxus at the head of three or four hundred thousand Turks. The imprudent Hormouz accepted their perfidious and formidable aid; the cities of Khorassan or Bactriana were commanded to open their gates; the march of the Barbarians towards the mountains of Hyrcania revealed the correspondence of the Turkish and Roman arms; and their union must have subverted the throne of the house of Sassan.

Persia had been lost by a king; it was saved by a hero. After his revolt, Varanes or Bahram is stigmatized by the son of Hormouz as an ungrateful slave; the proud and ambiguous reproach of despotism, since he was truly descended from the ancient princes of Rei,<sup>10</sup> one of the seven families whose splen-

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\* See the imitation of Scipio in Theophylact, l. i. c. 14; the image of Christ, l. ii. c. 3. Hereafter I shall speak more amply of the Christian images—I had almost said *idols*. This, if I am not mistaken, is the oldest *αχειροποίητος* of divine manufacture; but in the next thousand years, many others issued from the same workshop.

<sup>10</sup> Raga, or Rei, is mentioned in the Apocryphal book of Tobit as already flourishing, 700 years before Christ, under the Assyrian empire. Under the foreign names of Europus and Arsacia, this city, 560



did, as well as substantial, prerogatives exalted them above the heads of the Persian nobility.<sup>11</sup> At the siege of Dura, the valor of Bahram was signalized under the eyes of Nushirvan, and both the father and son successively promoted him to the command of armies, the government of Media, and the superintendence of the palace. The popular prediction which marked him as the deliverer of Persia, might be inspired by his past victories and extraordinary figure: the epithet *Ginbin*\* is expressive of the quality of *dry wood*: he had the strength and stature of a giant; and his savage countenance was fancifully compared to that of a wild cat. While the nation trembled, while Hormouz disguised his terror by the name of suspicion, and his servants concealed their disloyalty under the mask of fear, Bahram alone displayed his undaunted courage and apparent fidelity: and as soon as he found that no more than twelve thousand soldiers would follow him against the enemy, he prudently declared, that to this fatal number Heaven had reserved the honors of the triumph.† The steep and narrow descent of the Pule Rudbar,<sup>12</sup> or Hyrcanian rock, is the only pass through which an army can penetrate into the

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stadia to the south of the Caspian gates, was successively embellished by the Macedonians and Parthians, (Strabo, l. xi. p. 796.) Its grandeur and populousness in the ixth century are exaggerated beyond the bounds of credibility; but Rei has been since ruined by wars and the unwholesomeness of the air. Chardin, *Voyage en Perse*, tom. i. p. 279, 280. D'Herbelot, *Biblioth. Oriental*, p. 714.

<sup>11</sup> Theophylact. l. iii. c. 18. The story of the seven Persians is told in the third book of Herodotus; and their noble descendants are often mentioned, especially in the fragments of Ctesias. Yet the independence of Otanes (Herodot. l. iii. c. 83, 84) is hostile to the spirit of despotism, and it may not seem probable that the seven families could survive the revolutions of eleven hundred years. They might, however, be represented by the seven ministers, (Briasson, *de Regno Persico*, l. i. p. 190;) and some Persian nobles, like the kings of Pontus (Polyb. l. v. p. 540) and Cappadocia, (Diodor. Sicul. l. xxxi. tom. ii. p. 517,) might claim their descent from the bold companions of Darius.

<sup>12</sup> See an accurate description of this mountain by Olearius, (*Voyage en Perse*, p. 997, 998,) who ascended it with much difficulty and danger in his return from Ispahan to the Caspian Sea.

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\* He is generally called Baharam Choubeen. Baharam, *the stick-like*, probably from his appearance. Malcolm, vol. i. p. 120.—M.

† The Persian historians say, that Hormouz entreated his general to increase his numbers; but Baharam replied, that experience had taught him that it was the quality, not the number of soldiers, which gave success. \* \* \* No man in his army was under forty years, and none above fifty. Malcolm, vol. i. p. 121.—M.

territory of Rai and the plains of Media. From the commanding heights, a band of resolute men might overwhelm with stones and darts the myriads of the Turkish host: their emperor and his son were transpierced with arrows; and the fugitives were left, without counsel or provisions, to the revenge of an injured people. The patriotism of the Persian general was stimulated by his affection for the city of his forefathers: in the hour of victory, every peasant became a soldier, and every soldier a hero; and their ardor was kindled by the gorgeous spectacle of beds, and thrones, and tables of massy gold, the spoils of Asia, and the luxury of the hostile camp. A prince of a less malignant temper could not easily have forgiven his benefactor; and the secret hatred of Hormouz was envenomed by a malicious report, that Bahram had privately retained the most precious fruits of his Turkish victory. But the approach of a Roman army on the side of the Araxes compelled the implacable tyrant to smile and to applaud; and the toils of Bahram were rewarded with the permission of encountering a new enemy, by their skill and discipline more formidable than a Scythian multitude. Elated by his recent success, he despatched a herald with a bold defiance to the camp of the Romans, requesting them to fix a day of battle, and to choose whether they would pass the river themselves, or allow a free passage to the arms of the great king. The lieutenant of the emperor Maurice preferred the safer alternative; and this local circumstance, which would have enhanced the victory of the Persians, rendered their defeat more bloody and their escape more difficult. But the loss of his subjects, and the danger of his kingdom, were overbalanced in the mind of Hormouz by the disgrace of his personal enemy; and no sooner had Bahram collected and reviewed his forces, than he received from a royal messenger the insulting gift of a distaff, a spinning-wheel, and a complete suit of female apparel. Obedient to the will of his sovereign he showed himself to the soldiers in this unworthy disguise: they resented his ignominy and their own; a shout of rebellion ran through the ranks; and the general accepted their oath of fidelity and vows of revenge. A second messenger, who had been commanded to bring the rebel in chains, was trampled under the feet of an elephant, and manifestos were diligently circulated, exhorting the Persians to assert their freedom against an odious and contemptible tyrant. The defection was rapid and universal; his loyal slaves were sacrificed to

the public fury; the troops deserted to the standard of Bahram; and the provinces again saluted the deliverer of his country.

As the passes were faithfully guarded, Hormouz could only compute the number of his enemies by the testimony of a guilty conscience, and the daily defection of those who, in the hour of his distress, avenged their wrongs, or forgot their obligations. He proudly displayed the ensigns of royalty; but the city and palace of Modain had already escaped from the hand of the tyrant. Among the victims of his cruelty, Bindoes, a Sassanian prince, had been cast into a dungeon; his fetters were broken by the zeal and courage of a brother; and he stood before the king at the head of those trusty guards, who had been chosen as the ministers of his confinement, and perhaps of his death. Alarmed by the hasty intrusion and bold reproaches of the captive, Hormouz looked round, but in vain, for advice or assistance; discovered that his strength consisted in the obedience of others; and patiently yielded to the single arm of Bindoes, who dragged him from the throne to the same dungeon in which he himself had been so lately confined. At the first tumult, Chosroes, the eldest of the sons of Hormouz, escaped from the city; he was persuaded to return by the pressing and friendly invitation of Bindoes, who promised to seat him on his father's throne, and who expected to reign under the name of an inexperienced youth. In the just assurance, that his accomplices could neither forgive nor hope to be forgiven, and that every Persian might be trusted as the judge and enemy of the tyrant, he instituted a public trial without a precedent and without a copy in the annals of the East. The son of Nushirvan, who had requested to plead in his own defence, was introduced as a criminal into the full assembly of the nobles and satraps.<sup>18</sup> He was heard with decent attention as long as he expatiated on the advantages of order and obedience, the danger of innovation, and the inevitable

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<sup>18</sup> The Orientals suppose that Bahram convened this assembly and proclaimed Chosroes; but Theophylact is, in this instance, more distinct and credible.\*

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\* Yet Theophylact seems to have seized the opportunity to indulge his propensity for writing orations; and the orations read rather like those of a Grecian sophist than of an Eastern assembly.—M.

discord of those who had encouraged each other to trample on their lawful and hereditary sovereign. By a pathetic appeal to their humanity, he extorted that pity which is seldom refused to the fallen fortunes of a king; and while they beheld the abject posture and squalid appearance of the prisoner, his tears, his chains, and the marks of ignominious stripes, it was impossible to forget how recently they had adored the divine splendor of his diadem and purple. But an angry murmur arose in the assembly as soon as he presumed to vindicate his conduct, and to applaud the victories of his reign. He defined the duties of a king, and the Persian nobles listened with a smile of contempt; they were fired with indignation when he dared to vilify the character of Chosroes; and by the indiscreet offer of resigning the sceptre to the second of his sons, he subscribed his own condemnation, and sacrificed the life of his own innocent favorite. The mangled bodies of the boy and his mother were exposed to the people; the eyes of Hormouz were pierced with a hot needle; and the punishment of the father was succeeded by the coronation of his eldest son. Chosroes had ascended the throne without guilt, and his piety strove to alleviate the misery of the abdicated monarch; from the dungeon he removed Hormouz to an apartment of the palace, supplied with liberality the consolations of sensual enjoyment, and patiently endured the furious sallies of his resentment and despair. He might despise the resentment of a blind and unpopular tyrant, but the tiara was trembling on his head, till he could subvert the power, or acquire the friendship, of the great Bahram, who sternly denied the justice of a revolution, in which himself and his soldiers, the true representatives of Persia, had never been consulted. The offer of a general amnesty, and of the second rank in his kingdom, was answered by an epistle from Bahram, friend of the gods, conqueror of men, and enemy of tyrants, the satrap of satraps, general of the Persian armies, and a prince adorned with the title of eleven virtues.<sup>14</sup> He commands Chosroes, the son of Hormouz, to shun the example and fate of his

<sup>14</sup> See the words of Theophylact, l. iv. c. 7. Βαρὰμ ὁ Θεὸς τοῖς θεοῖς, ἐκκλησίᾳ, ἐπιφανείᾳ, τυράννων ἐχθρὸς, σατράπης μεγιστάνων, τῆς Περσικῆς ἄρχων δυνάμεως, &c. In answer, Chosroes styles himself τῇ τοῦ χαλκιδέως ἡμῶν . . . ὁ τοῦ Ἀσωνος (the genii), αἰσθημένος. This is genuine Oriental bombast.

father, to confine the traitors who had been released from their chains, to deposit in some holy place the diadem which he had usurped, and to accept from his gracious benefactor the pardon of his faults and the government of a province. The rebel might not be proud, and the king most assuredly was not humble; but the one was conscious of his strength, the other was sensible of his weakness; and even the modest language of his reply still left room for treaty and reconciliation. Chosroes led into the field the slaves of the palace and the populace of the capital: they beheld with terror the banners of a veteran army; they were encompassed and surprised by the evolutions of the general; and the satrap who had deposed Hormouz, received the punishment of their revolt, or expiated their first treason by a second and more criminal act of disloyalty. The life and liberty of Chosroes were saved, but he was reduced to the necessity of imploring aid or refuge in some foreign land; and the implacable Bindoes, anxious to secure an unquestionable title, hastily returned to the palace, and ended, with a bowstring, the wretched existence of the son of Nushirvan.<sup>15</sup>

While Chosroes despatched the preparations of his retreat, he deliberated with his remaining friends,<sup>16</sup> whether he should lurk in the valleys of Mount Caucasus, or fly to the tents of the Turks, or solicit the protection of the emperor. The long emulation of the successors of Artaxerxes and Constantine increased his reluctance to appear as a suppliant in a rival court; but he weighed the forces of the Romans, and prudently considered that the neighborhood of Syria would render his escape more easy and their succors more effectual.

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<sup>15</sup> Theophylact (l. iv. c. 7) imputes the death of Hormouz to his son, by whose command he was beaten to death with clubs. I have followed the milder account of Khondemir and Eutychius, and shall always be content with the slightest evidence to extenuate the crime of parricide.\*

<sup>16</sup> After the battle of Pharsalia, the Pompey of Lucan (l. viii. 256—455) holds a similar debate. He was himself desirous of seeking the Parthians: but his companions abhorred the unnatural alliance: and the adverse prejudices might operate as forcibly on Chosroes and his companions, who could describe, with the same vehemence, the contrast of laws, religion, and manners, between the East and West.

\* Malcolm concurs in ascribing his death to Bundawee, (Bindoes,) vol. i. p. 123. The Eastern writers generally impute the crime to the uncle St. Martin, vol. x. p. 300.—M.

Attended only by his concubines, and a troop of thirty guards, he secretly departed from the capital, followed the banks of the Euphrates, traversed the desert, and halted at the distance of ten miles from Circesium. About the third watch of the night, the Roman præfect was informed of his approach, and he introduced the royal stranger to the fortress at the dawn of day. From thence the king of Persia was conducted to the more honorable residence of Hierapolis; and Maurice dissembled his pride, and displayed his benevolence, at the reception of the letters and ambassadors of the grandson of Nushirvan. They humbly represented the vicissitudes of fortune and the common interest of princes, exaggerated the ingratitude of Bahram, the agent of the evil principle, and urged, with specious argument, that it was for the advantage of the Romans themselves to support the two monarchies which balance the world, the two great luminaries by whose salutary influence it is vivified and adorned. The anxiety of Chosroes was soon relieved by the assurance, that the emperor had espoused the cause of justice and royalty; but Maurice prudently declined the expense and delay of his useless visit to Constantinople. In the name of his generous benefactor, a rich diadem was presented to the fugitive prince, with an inestimable gift of jewels and gold; a powerful army was assembled on the frontiers of Syria and Armenia, under the command of the valiant and faithful Narses,<sup>17</sup> and this general, of his own nation, and his own choice, was directed to pass the Tigris, and never to sheathe his sword till he had restored Chosroes to the throne of his ancestors.\* The enterprise, however splendid, was less arduous than it might appear. Persia had already repented of her fatal rashness, which betrayed the heir of the house of Sassan to the ambition of a rebellious subject: and the bold refusal of the Magi to

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<sup>17</sup> In this age there were three warriors of the name of *Narses*, who have been often confounded, (Pagi, Critica, tom. ii. p. 640:) 1. A Persarmenian, the brother of Isaac and Armatius, who, after a successful action against Belisarius, deserted from his Persian sovereign, and afterwards served in the Italian war.—2. The eunuch who conquered Italy.—3. The restorer of Chosroes, who is celebrated in the poem of Corippus (l. iii. 220—327) as *excelsus super omnia vertice agmina . . . habitu modestus . . . morum probitate placens, virtute verendus; fulmineus, cautus, vigilans, &c.*

\* The Armenians adhered to Chosroes. St. Martin, vol. x. p. 312.—M.

consecrate his usurpation, compelled Bahram to assume the sceptre, regardless of the laws and prejudices of the nation. The palace was soon distracted with conspiracy, the city with tumult, the provinces with insurrection; and the cruel execution of the guilty and the suspected served to irritate rather than subdue the public discontent. No sooner did the grandson of Nushirvan display his own and the Roman banners beyond the Tigris, than he was joined, each day, by the increasing multitudes of the nobility and people; and as he advanced, he received from every side the grateful offerings of the keys of his cities and the heads of his enemies. As soon as Modain was freed from the presence of the usurper, the loyal inhabitants obeyed the first summons of Mebodes at the head of only two thousand horse, and Chosroes accepted the sacred and precious ornaments of the palace as the pledge of their truth and the presage of his approaching success. After the junction of the Imperial troops, which Bahram vainly struggled to prevent, the contest was decided by two battles on the banks of the Zab, and the confines of Media. The Romans, with the faithful subjects of Persia, amounted to sixty thousand, while the whole force of the usurper did not exceed forty thousand men: the two generals signalized their valor and ability; but the victory was finally determined by the prevalence of numbers and discipline. With the remnant of a broken army, Bahram fled towards the eastern provinces of the Oxus: the enmity of Persia reconciled him to the Turks; but his days were shortened by poison, perhaps the most incurable of poisons; the stings of remorse and despair, and the bitter remembrance of lost glory. Yet the modern Persians still commemorate the exploits of Bahram; and some excellent laws have prolonged the duration of his troubled and transitory reign.\*

The restoration of Chosroes was celebrated with feasts and executions; and the music of the royal banquet was often disturbed by the groans of dying or mutilated criminals. A general pardon might have diffused comfort and tranquillity through a country which had been shaken by the late revolu-

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\* According to Mirkbond and the Oriental writers, Bahram received the daughter of the Khakan in marriage, and commanded a body of Turks in an invasion of Persia. Some say that he was assassinated; Malcolm adopts the opinion that he was poisoned. His sister Gourdieh, the companion of his flight, is celebrated in the Shah Nameh. She was afterwards one of the wives of Chosroes. St. Martin. vol. x. p. 331.—M.

tions; yet, before the sanguinary temper of Chosroes is blamed, we should learn whether the Persians had not been accustomed either to dread the rigor, or to despise the weakness, of their sovereign. The revolt of Bahram, and the conspiracy of the satraps, were impartially punished by the revenge or justice of the conqueror; the merits of Bindoes himself could not purify his hand from the guilt of royal blood: and the son of Hormouz was desirous to assert his own innocence, and to vindicate the sanctity of kings. During the vigor of the Roman power, several princes were seated on the throne of Persia by the arms and the authority of the first Cæsars. But their new subjects were soon disgusted with the vices or virtues which they had imbibed in a foreign land; the instability of their dominion gave birth to a vulgar observation, that the choice of Rome was solicited and rejected with equal ardor by the capricious levity of Oriental slaves.<sup>18</sup> But the glory of Maurice was conspicuous in the long and fortunate reign of his son and his ally. A band of a thousand Romans, who continued to guard the person of Chosroes, proclaimed his confidence in the fidelity of the strangers; his growing strength enabled him to dismiss this unpopular aid, but he steadily professed the same gratitude and reverence to his adopted father; and till the death of Maurice, the peace and alliance of the two empires were faithfully maintained. Yet the mercenary friendship of the Roman prince had been purchased with costly and important gifts; the strong cities of Martyropolis and Dara\* were restored, and the Persarmenians became the willing subjects of an empire, whose eastern limit was extended, beyond the example of former times, as far as the banks of the Araxes, and the neighborhood of the Caspian. A pious hope was indulged, that the church as well as the state might triumph in this revolution: but if Chosroes had sincerely listened to the Christian bishops, the impression was erased by the zeal

<sup>18</sup> Experimentis cognitum est Barbaros malle Româ petere reges quam habere. These experiments are admirably represented in the invitation and expulsion of Vonones, (*Annal.* ii. 1—3,) Tiridates, (*Annal.* vi. 32—44,) and Meherdates, (*Annal.* xi. 10, xii. 10—14.) The eye of Tacitus seems to have transpierced the camp of the Parthians and the walls of the harem.

\* Concerning Nisibis, see St. Martin and his Armenian authorities, vol. ii. p. 232, and *Mémoires sur l'Arménie*, tom. i. p. 25.—M.



and eloquence of the Magi: if he was armed with philosophic indifference, he accommodated his belief, or rather his professions, to the various circumstances of an exile and a sovereign. The imaginary conversion of the king of Persia was reduced to a local and superstitious veneration for Sergius,<sup>19</sup> one of the saints of Antioch, who heard his prayers and appeared to him in dreams; he enriched the shrine with offerings of gold and silver, and ascribed to this invisible patron the success of his arms, and the pregnancy of Sira, a devout Christian and the best beloved of his wives.<sup>20</sup> The beauty of Sira, or Schirin,<sup>21</sup> her wit, her musical talents, are still famous in the history, or rather in the romances, of the East: her own name is expressive, in the Persian tongue, of sweetness and grace; and the epithet of *Parviz* alludes to the charms of her royal lover. Yet Sira never shared the passions which she inspired, and the bliss of Chosroes was tortured by a jealous doubt, that while he possessed her person, she had bestowed her affections on a meaner favorite.<sup>22</sup>

<sup>19</sup> Sergius and his companion Bacchus, who are said to have suffered in the persecution of Maximian, obtained divine honor in France, Italy, Constantinople, and the East. Their tomb at Rasephe was famous for miracles, and that Syrian town acquired the more honorable name of Sergiopolis. Tillemont, *Mém. Eccles.* tom. v. p. 481—496. Butler's *Saints*, vol. x. p. 155.

<sup>20</sup> Evagrius (l. vi. c. 21) and Theophylact (l. v. c. 13, 14) have preserved the original letters of Chosroes, written in Greek,\* signed with his own hand, and afterwards inscribed on crosses and tables of gold, which were deposited in the church of Sergiopolis. They had been sent to the bishop of Antioch, as primate of Syria.

<sup>21</sup> The Greeks only describe her as a Roman by birth, a Christian by religion: but she is represented as the daughter of the emperor Maurice in the Persian and Turkish romances which celebrate the love of Khosrou for Schirin, of Schirin for Ferhad, the most beautiful youth of the East. D'Herbelot, *Biblioth. Orient.* p. 789, 997, 998.†

<sup>22</sup> The whole series of the tyranny of Hormouz, the revolt of Bahram, and the flight and restoration of Chosroes, is related by two contemporary Greeks—more concisely by Evagrius, (l. vi. c. 16, 17, 18, 19,) and most diffusely by Theophylact Simocatta, (l. iii. c. 6—18, l. iv. c. 1—16, l. v. c. 1—15;) succeeding compilers, Zonaras and Cedrenus, can only transcribe and abridge. The Christian Arabs, Eutychius (*Annal.* tom. ii. p. 200—208) and Abulpharagius (*Dynast.*

\* St. Martin thinks that they were first written in Syriac, and then translated into the bad Greek in which they appear, vol. x. p. 334.—M.

† Compare M. von Hammer's preface to, and poem of, Schirin in which he gives an account of the various Persian poems, of which he has endeavored to extract the essence in his own work.—M.

While the majesty of the Roman name was revived in the East, the prospect of Europe is less pleasing and less glorious. By the departure of the Lombards, and the ruin of the Gepidæ, the balance of power was destroyed on the Danube; and the Avars spread their permanent dominion from the foot of the Alps to the sea-coast of the Euxine. The reign of Baian is the brightest æra of their monarchy; their chagan, who occupied the rustic palace of Attila, appears to have imitated his character and policy;<sup>22</sup> but as the same scenes were repeated in a smaller circle, a minute representation of the copy would be devoid of the greatness and novelty of the original. The pride of the second Justin, of Tiberius, and Maurice, was humbled by a proud Barbarian, more prompt to inflict, than exposed to suffer, the injuries of war; and as often as Asia was threatened by the Persian arms, Europe was oppressed by the dangerous inroads, or costly friendship, of the Avars. When the Roman envoys approached the presence of the chagan, they were commanded to wait at the door of his tent, till, at the end perhaps of ten or twelve days, he condescended to admit them. If the substance or the style of their message was offensive to his ear, he insulted, with real or affected fury, their own dignity, and that of their prince; their baggage was plundered, and their lives were only saved by the promise of a richer present and a more respectful address. But *his* sacred ambassadors enjoyed and abused an unbounded license in the midst of Constantinople: they urged, with importunate clamors, the increase of tribute,

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p. 96—98) appear to have consulted some particular memoirs. The great Persian historians of the xvth century, Mirkhond and Khondemir, are only known to me by the imperfect extracts of Schikard, (*Tarikh*, p. 150—155,) Teixeira, or rather Stevens, (*Hist. of Persia*, p. 182—186,) a Turkish MS. translated by the Abbé Fourmount, (*Hist. de l'Académie des Inscriptions*, tom. vii. p. 325—334,) and D'Herbelot, (*aux mots Hormouz*, p. 437—459. Bahram, p. 174. Khosrou Parviz, p. 996.) Were I perfectly satisfied of their authority, I could wish these Oriental materials had been more copious.

<sup>22</sup> A general idea of the pride and power of the chagan may be taken from Menander (*Excerpt. Legat.* p. 118, &c.) and Theophylact, (l. i. c. 3. l. vii. c. 15.) whose eight books are much more honorable to the Avar than to the Roman prince. The predecessors of Baian had tasted the liberality of Rome, and *he* survived the reign of Maurice, (*Buat. Hist. des Peuples Barbares*, tom. xi. p. 545.) The chagan who invaded Italy, A. D. 611, (*Muratori, Annali*, tom. v. p. 305,) was then *hvevili* ætate florentem, (*Paul Warnefrid, de Gest. Langobard.* l. v. c. 38,) the son, perhaps, or the grandson, of Baian.

or the restitution of captives and deserters: and the majesty of the empire was almost equally degraded by a base compliance, or by the false and fearful excuses with which they eluded such insolent demands. The chagan had never seen an elephant; and his curiosity was excited by the strange, and perhaps fabulous, portrait of that wonderful animal. At his command, one of the largest elephants of the Imperial stables was equipped with stately caparisons, and conducted by a numerous train to the royal village in the plains of Hungary. He surveyed the enormous beast with surprise, with disgust, and possibly with terror; and smiled at the vain industry of the Romans, who, in search of such useless rarities, could explore the limits of the land and sea. He wished, at the expense of the emperor, to repose in a golden bed. The wealth of Constantinople, and the skilful diligence of her artists, were instantly devoted to the gratification of his caprice; but when the work was finished, he rejected with scorn a present so unworthy the majesty of a great king.<sup>24</sup> These were the casual sallies of his pride; but the avarice of the chagan was a more steady and tractable passion: a rich and regular supply of silk apparel, furniture, and plate, introduced the rudiments of art and luxury among the tents of the Scythians; their appetite was stimulated by the pepper and cinnamon of India;<sup>25</sup> the annual subsidy or tribute was raised from fourscore to one hundred and twenty thousand pieces of gold; and after each hostile interruption, the payment of the arrears, with exorbitant interest, was always made the first condition of the new treaty. In the language of a Barbarian, without guile, the prince of the Avars affected to complain of the insincerity of the Greeks;<sup>26</sup> yet he was not inferior to the most civilized nations in the refinement of dissimulation and perfidy. As the successor of the Lombards, the chagan asserted his claim to the important city of Sirnium,

<sup>24</sup> Theophylact, l. i. c. 5, 6.

<sup>25</sup> Even in the field, the chagan delighted in the use of these aromatics. He solicited, as a gift, *Ἰνδικὰς καρυκίας*, and received *πίπτερι καὶ πολλόν Ἰνδῶν, κασίαν τε καὶ τὸν λεγόμενον κοστον*. Theophylact, l. vii. c. 13. The Europeans of the ruder ages consumed more spices in their meat and drink than is compatible with the delicacy of a modern palate. *Vie Privée des François*, tom. ii. p. 162, 163.

<sup>26</sup> Theophylact, l. vi. c. 6, l. vii. c. 15. The Greek historian confesses the truth and justice of his reproach.

the ancient bulwark of the Illyrian provinces." The plains of the Lower Hungary were covered with the Avar horse and a fleet of large boats was built in the Hercynian wood, to descend the Danube, and to transport into the Save the materials of a bridge. But as the strong garrison of Singidunum, which commanded the conflux of the two rivers, might have stopped their passage and baffled his designs, he disvelled their apprehensions by a solemn oath that his views were not hostile to the empire. He swore by his sword, the symbol of the god of war, that he did not, as the enemy of Rome, construct a bridge upon the Save. "If I violate my oath," pursued the intrepid Baian, "may I myself, and the last of my nation, perish by the sword! May the heavens, and fire, the deity of the heavens, fall upon our heads! May the forests and mountains bury us in their ruins! and the Save returning, against the laws of nature, to his source, overwhelm us in his angry waters!" After this barbarous imprecation, he calmly inquired, what oath was most sacred and venerable among the Christians, what guilt or perjury it was most dangerous to incur. The bishop of Singidunum presented the gospel, which the chagan received with devout reverence. "I swear," said he, "by the God who has spoken in this holy book, that I have neither falsehood on my tongue, nor treachery in my heart." As soon as he rose from his knees, he accelerated the labor of the bridge, and despatched an envoy to proclaim what he no longer wished to conceal. "Inform the emperor," said the perfidious Baian, "that Sirmium is invested on every side. Advise his prudence to withdraw the citizens and their effects, and to resign a city which it is now impossible to relieve or defend." Without the hope of relief, the defence of Sirmium was prolonged above three years: the walls were still untouched; but famine was enclosed within the walls, till a merciful capitulation allowed the escape of the naked and hungry inhabitants. Singidunum, at the distance of fifty

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<sup>27</sup> Menander (in Excerpt. Legat. p. 126—132, 174, 175) describes the perjury of Baian and the surrender of Sirmium. We have lost his account of the siege, which is commended by Theophylact, l. i. c. 3. Τὸ δ' ὅπως Μενάνδρῳ τῷ περιφανεῖ σαφὲς διηγόρευται.\*

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\* Compare throughout Schlæzer Nordische Geschichte, p. 368—373.

miles, experienced a more cruel fate: the buildings were razed, and the vanquished people was condemned to servitude and exile. Yet the ruins of Sirmium are no longer visible; the advantageous situation of Singidunum soon attracted a new colony of Slavonians, and the conflux of the Save and Danube is still guarded by the fortifications of Belgrade, or the *White City*, so often and so obstinately disputed by the Christian and Turkish arms.<sup>20</sup> From Belgrade to the walls of Constantinople a line may be measured of six hundred miles: that line was marked with flames and with blood; the horses of the Avars were alternately bathed in the Euxine and the Adriatic; and the Roman pontiff, alarmed by the approach of a more savage enemy,<sup>21</sup> was reduced to cherish the Lombards, as the protectors of Italy. The despair of a captive, whom his country refused to ransom, disclosed to the Avars the invention and practice of military engines.<sup>22</sup> But in the first attempts they were rudely framed, and awkwardly managed; and the resistance of Diocletianopolis and Bæræ, of Philippopolis and Adrianople, soon exhausted the skill and patience of the besiegers. The warfare of Baian was that of a Tartar; yet his mind was susceptible of a humane and generous sentiment: he spared Anchialus, whose salutary waters had restored the health of the best beloved of his wives; and the Romans confessed, that their starving army was fed and dismissed by the liberality of a foe. His empire extended over Hungary, Poland, and Prussia, from the mouth of the Danube to that of the Oder;<sup>23</sup> and his new subjects were divided and transplanted by the jealous policy of the

<sup>20</sup> See D'Anville, in the *Mémoires de l'Acad. des Inscriptions*, tom. xxviii. p. 412—448. The Slavonic name of *Belgrade* is mentioned in the xth century by Constantine Porphyrogenitus: the Latin appellation of *Alba Cræca* is used by the Franks in the beginning of the ixth, (p. 414.)

<sup>21</sup> Baron. *Annal. Eccles. A. B. 600*, No. 1. Paul Warnefrid (l. iv. c. 38) relates their irruption into Friuli, and (c. 39) the captivity of his ancestors, about A. D. 632. The *Sclavi* traversed the Adriatic cum multitudine navium, and made a descent in the territory of Sipontum, (c. 47.)

<sup>22</sup> Even the *helepolis*, or movable turret. Theophylact, l. ii. 16, 17.

<sup>23</sup> The arms and alliances of the chagan reached to the neighborhood of a western sea, fifteen months' journey from Constantinople. The emperor Maurice conversed with some itinerant harpers from that remote country, and only seems to have mistaken a trade for a nation. Theophylact, l. vi. c. 2.

conqueror."<sup>22</sup> The eastern regions of Germany, which had been left vacant by the emigration of the Vandals, were replenished with Slavonian colonists; the same tribes are discovered in the neighborhood of the Adriatic and of the Baltic, and with the name of Baian himself, the Illyrian cities of Neysa and Lissa are again found in the heart of Silesia. In the disposition both of his troops and provinces the chagan exposed the vassals, whose lives he disregarded,<sup>23</sup> to the first assault; and the swords of the enemy were blunted before they encountered the native valor of the Avars.

The Persian alliance restored the troops of the East to the defence of Europe: and Maurice, who had supported ten years the insolence of the chagan, declared his resolution to march in person against the Barbarians. In the space of two centuries, none of the successors of Theodosius had appeared in the field: their lives were supinely spent in the palace of Constantinople; and the Greeks could no longer understand, that the name of *emperor*, in its primitive sense, denoted the chief of the armies of the republic. The martial ardor of Maurice was opposed by the grave flattery of the senate, the timid superstition of the patriarch, and the tears of the empress Constantina; and they all conjured him to devolve on some meaner general the fatigues and perils of a Scythian campaign. Deaf to their advice and entreaty, the emperor boldly advanced<sup>24</sup> seven miles from the capital; the sacred ensign of the cross was displayed in the front; and Maurice reviewed, with conscious pride, the arms and numbers of the veterans who had fought and conquered beyond the Tigris. Anchialus was the last term of his progress by sea and land; he solicited, without success, a miraculous answer to his nocturnal prayers; his mind was confounded by the death of a

<sup>22</sup> This is one of the most probable and luminous conjectures of the learned count de Buat, (*Hist. des Peuples Barbares*, tom. xi. p. 546—568.) The Tzechi and Serbi are found together near Mount Caucasus, in Illyricum, and on the lower Elbe. Even the wildest traditions of the Bohemians, &c., afford some color to his hypothesis.

<sup>23</sup> See Fredegarius, in the *Historians of France*, tom. ii. p. 482. Baian did not conceal his proud insensibility. "Οτι τοιοῦτος (not τοσούτος, according to a foolish emendation) ἐπαφῆσω τῇ Ῥωμαϊκῇ, ὥς εἰ καὶ συμβαίῃ γε σφίσι θανατὸ ἀλῶναι, ἀλλ' ἐμοὶ γε μὴ γίνεσθαι οὐκ ἀθέμιον.

<sup>24</sup> See the march and return of Maurice, in Theophylact, l. v. c. 6 (l. vi. c. 1, 2, 3. If he were a writer of taste or genius, we might expect a more elegant irony: but Theophylact is surely harmless.

favorite horse, the encounter of a wild boar, a storm of wind and rain, and the birth of a monstrous child; and he forgot that the best of omens is to unsheathe our sword in the defence of our country.<sup>55</sup> Under the pretence of receiving the ambassadors of Persia, the emperor returned to Constantinople, exchanged the thoughts of war for those of devotion, and disappointed the public hope by his absence and the choice of his lieutenants. The blind partiality of fraternal love might excuse the promotion of his brother Peter, who fled with equal disgrace from the Barbarians, from his own soldiers, and from the inhabitants of a Roman city. That city, if we may credit the resemblance of name and character, was the famous Azimuntium,<sup>56</sup> which had alone repelled the tempest of Attila. The example of her warlike youth was propagated to succeeding generations; and they obtained, from the first or the second Justin, an honorable privilege, that their valor should be always reserved for the defence of their native country. The brother of Maurice attempted to violate this privilege, and to mingle a patriot band with the mercenaries of his camp; they retired to the church, he was not awed by the sanctity of the place; the people rose in their cause, the gates were shut, the ramparts were manned; and the cowardice of Peter was found equal to his arrogance and injustice. The military fame of Commentiolus<sup>57</sup> is the object of satire or comedy rather than of serious history, since he was even deficient in the vile and vulgar qualification of personal courage. His solemn councils, strange evolutions, and secret orders, always supplied an apology for flight or delay. If he marched against the enemy, the pleasant valleys of Mount Hæmus opposed an insuperable barrier; but in his retreat, he explored, with fearless curiosity, the most difficult and obsolete paths, which had almost escaped the memory of the oldest native. The only blood which he lost was drawn, in a

<sup>55</sup> *Ἦς οἰωνὸς ἀγίαιος ἀνύσθαι περὶ πόλιν.* Iliad, xii. 248.

This noble verse, which unites the spirit of a hero with the reason of a sage, may prove that Homer was in every light superior to his age and country.

<sup>56</sup> Theophylact, l. vii. c. 3. On the evidence of this fact, which had not occurred to my memory, the candid reader will correct and excuse a note in Chapter XXXIV., note <sup>55</sup> of this History, which hastens the decay of Asimus, or Azimuntium; another century of patriotism and valor is cheaply purchased by such a confession.

<sup>57</sup> See the shameful conduct of Commentiolus, in Theophylact, l. ii. c. 10—15, l. vii. c. 13, 14, l. viii. c. 2, 4.

real or affected malady, by the lancet of a surgeon; and his health, which felt with exquisite sensibility the approach of the Barbarians, was uniformly restored by the repose and safety of the winter season. A prince who could promote and support this unworthy favorite must derive no glory from the accidental merit of his colleague Priscus.<sup>33</sup> In five successive battles, which seem to have been conducted with skill and resolution, seventeen thousand two hundred Barbarians were made prisoners: near sixty thousand, with four sons of the chagan, were slain: the Roman general surprised a peaceful district of the Gepidæ, who slept under the protection of the Avars; and his last trophies were erected on the banks of the Danube and the Teyss. Since the death of Trajan the arms of the empire had not penetrated so deeply into the old Dacia: yet the success of Priscus was transient and barren; and he was soon recalled by the apprehension that Baian, with dauntless spirit and recruited forces, was preparing to avenge his defeat under the walls of Constantinople.<sup>34</sup>

The theory of war was not more familiar to the camps of Cæsar and Trajan, than to those of Justinian and Maurice.<sup>35</sup> The iron of Tuscany or Pontus still received the keenest temper from the skill of the Byzantine workmen. The magazines were plentifully stored with every species of offensive and defensive arms. In the construction and use of ships, engines, and fortifications, the Barbarians admired the superior ingenuity of a people whom they had so often vanquished in the field. The science of tactics, the order, evolutions, and stratagems of antiquity, was transcribed and studied in the books of the Greeks and Romans. But the solitude or degeneracy of the provinces could no longer supply a race of men to handle those weapons, to guard those walls, to navigate those ships, and to reduce the theory of war into bold and successful practice. The genius of Belisarius and Narses had been

<sup>33</sup> See the exploits of Priscus, l. viii. c. 23.

<sup>34</sup> The general detail of the war against the Avars may be traced in the first, second, sixth, seventh, and eighth books of the history of the emperor Maurice, by Theophylact Simocatta. As he wrote in the reign of Heraclius, he had no temptation to flatter; but his want of judgment renders him diffuse in trifles, and concise in the most interesting facts.

<sup>35</sup> Maurice himself composed xii books on the military art, which are still extant, and have been published (Upsal, 1664) by John Schæffer, at the end of the *Tactics of Arrian*, (Fabricius, *Biblioth. Græca*, l. iv. c. 8, tom. iii. p. 278,) who promises to speak more fully of his work in its proper place.



formed without a master, and expired without a disciple. Neither honor, nor patriotism, nor generous superstition, could animate the lifeless bodies of slaves and strangers, who had succeeded to the honors of the legions: it was in the camp alone that the emperor should have exercised a despotic command; it was only in the camps that his authority was disobeyed and insulted: he appeased and inflamed with gold the licentiousness of the troops; but their vices were inherent, their victories were accidental, and their costly maintenance exhausted the substance of a state which they were unable to defend. After a long and pernicious indulgence, the cure of this inveterate evil was undertaken by Maurice; but the rash attempt, which drew destruction on his own head, tended only to aggravate the disease. A reformer should be exempt from the suspicion of interest, and he must possess the confidence and esteem of those whom he proposes to reclaim. The troops of Maurice might listen to the voice of a victorious leader; they disdained the admonitions of statesmen and sophists; and, when they received an edict which deducted from their pay the price of their arms and clothing, they execrated the avarice of a prince insensible of the dangers and fatigues from which he had escaped. The camps both of Asia and Europe were agitated with frequent and furious seditions;<sup>a</sup> the enraged soldiers of Edessa pursued with reproaches, with threats, with wounds, their trembling generals; they overturned the statues of the emperor, cast stones against the miraculous image of Christ, and either rejected the yoke of all civil and military laws, or instituted a dangerous model of voluntary subordination. The monarch, always distant and often deceived, was incapable of yielding or persisting, according to the exigence of the moment. But the fear of a general revolt induced him too readily to accept any act of valor, or any expression of loyalty, as an atonement for the popular offence; the new reform was abolished as hastily as it had been announced, and the troops, instead of punishment and restraint, were agreeably surprised by a gracious proclamation of immunities and rewards. But the soldiers accepted without gratitude the tardy and reluctant gifts of the emperor: their insolence was elated by the discovery of his weakness and their own strength; and their

<sup>a</sup> See the mutinies under the reign of Maurice, in Theophylact. l. iii. c. 1-4, . vi. c. 7, 8, 10, l. vii. c. 1 l. viii. c. 6, &c.

mutual hatred was inflamed beyond the desire of forgiveness or the hope of reconciliation. The historians of the times adopt the vulgar suspicion, that Maurice conspired to destroy the troops whom he had labored to reform; the misconduct and favor of Commentiolus are imputed to this malevolent design; and every age must condemn the inhumanity or avarice<sup>49</sup> of a prince, who, by the trifling ransom of six thousand pieces of gold, might have prevented the massacre of twelve thousand prisoners in the hands of the chagan. In the just fervor of indignation, an order was signified to the army of the Danube, that they should spare the magazines of the province, and establish their winter quarters in the hostile country of the Avars. The measure of their grievances was full: they pronounced Maurice unworthy to reign, expelled or slaughtered his faithful adherents, and, under the command of Phocas, a simple centurion, returned by hasty marches to the neighborhood of Constantinople. After a long series of legal succession, the military disorders of the third century were again revived; yet such was the novelty of the enterprise, that the insurgents were awed by their own rashness. They hesitated to invest their favorite with the vacant purple; and, while they rejected all treaty with Maurice himself, they held a friendly correspondence with his son Theodosius, and with Germanus, the father-in-law of the royal youth. So obscure had been the former condition of Phocas, that the emperor was ignorant of the name and character of his rival; but as soon as he learned, that the centurion, though bold in sedition, was timid in the face of danger, "Alas!" cried the desponding prince, "if he is a coward, he will surely be a murderer."

Yet if Constantinople had been firm and faithful, the murderer might have spent his fury against the walls; and the rebel army would have been gradually consumed or reconciled by the prudence of the emperor. In the games of the Circus, which he repeated with unusual pomp, Maurice disguised, with smiles of confidence, the anxiety of his heart, condescended to solicit the applause of the *factions*, and flat-

<sup>49</sup> Theophylact and Theophanes seem ignorant of the conspiracy and avarice of Maurice. These charges, so unfavorable to the memory of that emperor, are first mentioned by the author of the *Paschal Chronicle*, (p. 379, 280;) from whence Zonaras (tom. ii. l. xiv. p. 77, 78) has transcribed them. Cedrenus (p. 399) has followed another computation of the ransom.

tered their pride by accepting from their respective tribunes a list of nine hundred *blues* and fifteen hundred *greens*, whom he affected to esteem as the solid pillars of his throne. Their treacherous or languid support betrayed his weakness and hastened his fall: the green faction were the secret accomplices of the rebels, and the blues recommended lenity and moderation in a contest with their Roman brethren. The rigid and parsimonious virtues of Maurice had long since alienated the hearts of his subjects: as he walked barefoot in a religious procession, he was rudely assaulted with stones, and his guards were compelled to present their iron maces in the defence of his person. A fanatic monk ran through the streets with a drawn sword, denouncing against him the wrath and the sentence of God; and a vile plebeian, who represented his countenance and apparel, was seated on an ass, and pursued by the imprecations of the multitude.<sup>43</sup> The emperor suspected the popularity of Germanus with the soldiers and citizens: he feared, he threatened, but he delayed to strike; the patrician fled to the sanctuary of the church; the people rose in his defence, the walls were deserted by the guards, and the lawless city was abandoned to the flames and rapine of a nocturnal tumult. In a small bark, the unfortunate Maurice, with his wife and nine children, escaped to the Asiatic shore; but the violence of the wind compelled him to land at the church of St. Autonomus,<sup>44</sup> near Chalcedon, from whence he despatched Theodosius, his eldest son, to implore the gratitude and friendship of the Persian monarch. For himself, he refused to fly: his body was tortured with sciatic pains,<sup>45</sup> his mind was enfeebled by superstition; he

<sup>43</sup> In their clamors against Maurice, the people of Constantinople branded him with the name of Marcionite or Marcionist; a heresy (says Theophylact, l. viii. c. 9) μετὰ τινος μωρᾶς εὐλαβείας εὐθὺς τε καὶ παραγίλαστος. Did they only cast out a vague reproach—or had the emperor really listened to some obscure teacher of those ancient Gnostics?

<sup>44</sup> The church of St. Autonomus (whom I have not the honor to know) was 150 stadia from Constantinople, (Theophylact, l. viii. c. 9.) The port of Eutropius, where Maurice and his children were murdered, is described by Gyllius (de Bosphoro Thracio, l. iii. c. xi.) as one of the two harbors of Chalcedon.

The inhabitants of Constantinople were generally subject to the νόσοι ἀρθήτιδες; and Theophylact insinuates, (l. viii. c. 9.) that if it were consistent with the rules of history, he could assign the medical cause. Yet such a digression would not have been more impertinent

patiently awaited the event of the revolution, and addressed a fervent and public prayer to the Almighty, that the punishment of his sins might be inflicted in his world rather than in a future life. After the abdication of Maurice, the two factions disputed the choice of an emperor; but the favorite of the blues was rejected by the jealousy of their antagonists, and Germanus himself was hurried along by the crowds who rushed to the palace of Hebdomon, seven miles from the city, to adore the majesty of Phocas the centurion. A modest wish of resigning the purple to the rank and merit of Germanus was opposed by his resolution, more obstinate and equally sincere; the senate and clergy obeyed his summons; and, as soon as the patriarch was assured of his orthodox belief, he consecrated the successful usurper in the church of St. John the Baptist. On the third day, amidst the acclamations of a thoughtless people, Phocas made his public entry in a chariot drawn by four white horses: the revolt of the troops was rewarded by a lavish donative; and the new sovereign, after visiting the palace, beheld from his throne the games of the hippodrome. In a dispute of precedence between the two factions, his partial judgment inclined in favor of the greens. "Remember that Maurice is still alive," resounded from the opposite side; and the indiscreet clamor of the blues admonished and stimulated the cruelty of the tyrant. The ministers of death were despatched to Chalcedon: they dragged the emperor from his sanctuary; and the five sons of Maurice were successively murdered before the eyes of their agonizing parent. At each stroke, which he felt in his heart, he found strength to rehearse a pious ejaculation: "Thou art just, O Lord! and thy judgments are righteous." And such, in the last moments, was his rigid attachment to truth and justice, that he revealed to the soldiers the pious falsehood of a nurse who presented her own child in the place of a royal infant." The tragic scene was finally closed by the execution of the emperor himself, in the twentieth year of his reign, and the

than his inquiry (l. vii. c. 16, 17) into the annual inundations of the Nile, and all the opinions of the Greek philosophers on that subject.

"From this generous attempt, Corneille has deduced the intricate web of his tragedy of *Heracles*, which requires more than one representation to be clearly understood, (Corneille de Voltaire, tom. v. p. 300;) and which, after an interval of some years, is said to have puzzled the author himself, (Anecdotes Dramatiques, tom. i. p. 422.)

sixty-third of his age. The bodies of the father and his five sons were cast into the sea; their heads were exposed at Constantinople to the insults or pity of the multitude; and it was not till some signs of putrefaction had appeared, that Phocas connived at the private burial of these venerable remains. In that grave, the faults and errors of Maurice were kindly interred. His fate alone was remembered; and at the end of twenty years, in the recital of the history of Theophylact, the mournful tale was interrupted by the tears of the audience.<sup>47</sup>

Such tears must have flowed in secret, and such compassion would have been criminal, under the reign of Phocas, who was peaceably acknowledged in the provinces of the East and West. The images of the emperor and his wife Leontia were exposed in the Lateran to the veneration of the clergy and senate of Rome, and afterwards deposited in the palace of the Cæsars, between those of Constantine and Theodosius. As a subject and a Christian, it was the duty of Gregory to acquiesce in the established government; but the joyful applause with which he salutes the fortune of the assassin, has sullied, with indelible disgrace, the character of the saint. The successor of the apostles might have inculcated with decent firmness the guilt of blood, and the necessity of repentance; he is content to celebrate the deliverance of the people and the fall of the oppressor; to rejoice that the piety and benignity of Phocas have been raised by Providence to the Imperial throne; to pray that his hands may be strengthened against all his enemies; and to express a wish, perhaps a prophecy, that, after a long and triumphant reign, he may be transferred from a temporal to an everlasting kingdom.<sup>48</sup> I have already traced the steps of a revolution so pleasing, in Gregory's opinion, both to heaven and earth; and Phocas does not appear

<sup>47</sup> The revolt of Phocas and death of Maurice are told by Theophylact Simocatta, (l. viii. c. 7—12,) the Paschal Chronicle, (p. 379, 380,) Theophanes, (Chronograph. p. 238—244,) Zonaras, (tom. ii. l. xiv. p. 77—80,) and Cedrenus, (p. 399—404.)

<sup>48</sup> Gregor. l. xi. epist. 38, indict. vi. *Benignitatem vestræ pietatis ad Imperiale fastigium pervenisse gaudemus. Lætentur cœli et exultet terra, et de vestris benignis actibus universæ reipublicæ populus nunc usque vehementer afflictus hilarescat, &c.* This base flattery, the topic of Protestant invective, is justly censured by the philosopher Bayle, (Dictionnaire Critique, Gregoire I. Not. H. tom. ii. p. 597 598.) Cardinal Baronius justifies the pope at the expense of the fallen emperor.

of Sain, the Persian general, to conduct an embassy to the presence of the great king, was accepted with the warmest gratitude, and the prayer for pardon and peace was humbly presented by the Prætorian præfect, the præfect of the city, and one of the first ecclesiastics of the patriarchal church.<sup>73</sup> But the lieutenant of Chosroes had fatally mistaken the intentions of his master. "It was not an embassy," said the tyrant of Asia, "it was the person of Heraclius, bound in chains, that he should have brought to the foot of my throne. I will never give peace to the emperor of Rome, till he has abjured his crucified God, and embraced the worship of the sun." Sain was flayed alive, according to the inhuman practice of his country; and the separate and rigorous confinement of the ambassadors violated the law of nations, and the faith of an express stipulation. Yet the experience of six years at length persuaded the Persian monarch to renounce the conquest of Constantinople, and to specify the annual tribute or ransom of the Roman empire; a thousand talents of gold, a thousand talents of silver, a thousand silk robes, a thousand horses, and a thousand virgins. Heraclius subscribed these ignominious terms; but the time and space which he obtained to collect such treasures from the poverty of the East, was industriously employed in the preparations of a bold and desperate attack.

Of the characters conspicuous in history, that of Heraclius is one of the most extraordinary and inconsistent. In the first and last years of a long reign, the emperor appears to be the slave of sloth, of pleasure, or of superstition, the careless and impotent spectator of the public calamities. But the languid mists of the morning and evening are separated by the brightness of the meridian sun; the Arcadius of the palace arose the Cæsar of the camp; and the honor of Rome and Heraclius was gloriously retrieved by the exploits and trophies of six adventurous campaigns. It was the duty of the Byzantine historians to have revealed the causes of his slumber and vigilance. At this distance we can only conjecture, that he was endowed with more personal courage than political resolution; that he was detained by the charms, and perhaps the arts, of

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<sup>73</sup> Some original pieces, such as the speech or letter of the Roman ambassadors, (p. 386—388,) likewise constitute the merit of the *Paschal Chronicle*, which was composed, perhaps at Alexandria, under the reign of Heraclius.

his niece Martina, with whom, after the death of Eudocia, he contracted an incestuous marriage;<sup>73</sup> and that he yielded to the base advice of the counsellors, who urged, as a fundamental law, that the life of the emperor should never be exposed in the field.<sup>74</sup> Perhaps he was awakened by the last insolent demand of the Persian conqueror; but at the moment, when Heraclius assumed the spirit of a hero, the only hopes of the Romans were drawn from the vicissitudes of fortune, which might threaten the proud prosperity of Chosroes, and must be favorable to those who had attained the lowest period of depression.<sup>75</sup> To provide for the expenses of war, was the first care of the emperor; and for the purpose of collecting the tribute, he was allowed to solicit the benevolence of the eastern provinces. But the revenue no longer flowed in the usual channels; the credit of an arbitrary prince is annihilated by his power; and the courage of Heraclius was first displayed in daring to borrow the consecrated wealth of churches, under the solemn vow of restoring, with usury, whatever he had been compelled to employ in the service of religion and of the empire. The clergy themselves appear to have sympathized with the public distress; and the discreet patriarch of Alexandria, without admitting the precedent of sacrilege, assisted his sovereign by the miraculous or seasonable revelation of a secret treasure.<sup>76</sup> Of the soldiers who

<sup>73</sup> Nicephorus, (p. 10, 11.) who brands this marriage with the names of *ἄθεσμον*, and *ἀθέμιτον*, is happy to observe, that of two sons, its incestuous fruit, the elder was marked by Providence with a stiff neck, the younger with the loss of hearing.

<sup>74</sup> George of Pisidia, (Acroas. i. 112—125, p. 5.) who states the opinions, acquits the pusillanimous counsellors of any sinister views. Would he have excused the proud and contemptuous admonition of Crispus! *Ἐπιθωπιάζων οὐκ ἔξεν βασιλεῖ ἔφασκε καταλιμπάνειν βασίλεια, καὶ τοῖς πόρρω ἐπιχωριάζειν δυνάμεσιν.*

<sup>75</sup> *Εἰ τὰς ἐν' ἄκρον ἡρμένης εὐθείας  
Ἐσφαλμένας λέγουσιν οὐκ ἀπεικότως,  
Κεῖσθω τὸ λοιπὸν ἐν κακοῖς τὰ Πέρσidos,  
Ἀντιστρέφως δέ, &c. George Pisid. Acroas. i. 51, &c. p. 4.*

The Orientals are not less fond of remarking this strange vicissitude; and I remember some story of Khosrou Parviz, not very unlike the ring of Polycrates of Samos.

<sup>76</sup> Baronius gravely relates this discovery, or rather transmutation, of barrels, not of honey, but of gold, (Annal. Eccles. A. D. 620, No. 2, &c.) Yet the loan was arbitrary, since it was collected by soldiers, who were ordered to leave the patriarch of Alexandria no more than one hundred pounds of gold. Nicephorus, (p. 11.) two hundred years

had conspired with Phocas, only two were found to have survived the stroke of time and of the Barbarians ;" the loss, even of these seditious veterans, was imperfectly supplied by the new levies of Heraclius, and the gold of the sanctuary united, in the same camp, the names, and arms, and languages of the East and West. He would have been content with the neutrality of the Avars; and his friendly entreaty, that the chagan would act, not as the enemy, but as the guardian, of the empire, was accompanied with a more persuasive donative of two hundred thousand pieces of gold. Two days after the festival of Easter, the emperor, exchanging his purple for the simple garb of a penitent and warrior," gave the signal of his departure. To the faith of the people Heraclius recommended his children; the civil and military powers were vested in the most deserving hands, and the discretion of the patriarch and senate was authorized to save or surrender the city, if they should be oppressed in his absence by the superior forces of the enemy.

The neighboring heights of Chalcedon were covered with tents and arms: but if the new levies of Heraclius had been rashly led to the attack, the victory of the Persians in the sight of Constantinople might have been the last day of the Roman empire. As imprudent would it have been to advance into the provinces of Asia, leaving their innumerable cavalry to intercept his convoys, and continually to hang on the lassitude and disorder of his rear. But the Greeks were still masters of the sea; a fleet of galleys, transports, and store-ships, was assembled in the harbor; the Barbarians consented to embark; a steady wind carried them through the Hellespont the western and southern coast of Asia Minor lay on their left hand; the spirit of their chief was first displayed in a storm, and even the eunuchs of his train were excited to suffer and to work by the example of their master. He landed his troops on the confines of Syria and Cilicia, in the Gulf of Scanderoon,

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afterwards, speaks with ill humor of this contribution, which the church of Constantinople might still feel.

<sup>77</sup> Theophylact Symocatta, l. viii. c. 12. This circumstance need not excite our surprise. The muster-roll of a regiment, even in time of peace, is renewed in less than twenty or twenty-five years.

<sup>78</sup> He changed his *purple* for *black*, buckskins, and dyed them *red* in the blood of the Persians, (Georg. Pisid. Acroas. iii. 118, 121, 122 See the notes of Foggini, p. 35.)



where the coast suddenly turns to the south ;” and his discernment was expressed in the choice of this important post.” From all sides, the scattered garrisons of the maritime cities and the mountains might repair with speed and safety to his Imperial standard. The natural fortifications of Cilicia protected, and even concealed, the camp of Heraclius, which was pitched near Issus, on the same ground where Alexander had vanquished the host of Darius. The angle which the emperor occupied was deeply indented into a vast semicircle of the Asiatic, Armenian, and Syrian provinces ; and to whatsoever point of the circumference he should direct his attack, it was easy for him to dissemble his own motions, and to prevent those of the enemy. In the camp of Issus, the Roman general reformed the sloth and disorder of the veterans, and educated the new recruits in the knowledge and practice of military virtue. Unfolding the miraculous image of Christ, he urged them to *revenge* the holy altars which had been profaned by the worshippers of fire ; addressing them by the endearing appellations of sons and brethren, he deplored the public and private wrongs of the republic. The subjects of a monarch were persuaded that they fought in the cause of freedom ; and a similar enthusiasm was communicated to the foreign mercenaries, who must have viewed with equal indifference the interest of Rome and of Persia. Heraclius himself, with the skill and patience of a centurion, inculcated the lessons of the school of tactics, and the soldiers were assiduously trained in the use of their weapons, and the exercises and evolutions of

” George of Pisidia, (*Acroas.* ii. 10, p. 8) has fixed this important point of the Syrian and Cilician gates. They are elegantly described by Xenophon, who marched through them a thousand years before. A narrow pass of three stadia between steep, high rocks, (*πύραι ἡλίβαται*), and the Mediterranean, was closed at each end by strong gates, impregnable to the land, (*παρελθεῖν οὐκ ἔν βίῃ*) accessible by sea, (*Anabasis*, l. i. p. 35, 36, with Hutchinson’s *Geographical Dissertation*, p. vi.) The gates were thirty-five parasangs, or leagues, from Tarsus, (*Anabasis*, l. i. p. 33, 34.) and eight or ten from Antioch. Compare *Itinerar. Wesseling*, p. 580, 581. *Schultens*, *Index Geograph.* ad *calcem Vit. Saladin* p. 9. *Voyage en Turquie et en Perse*, par M. Otter, tom. i. p. 78, 79.

” Heraclius might write to a friend in the modest words of Cicero : “*Castra habuimus ea ipsa quæ contra Darium habuerat apud Issum Alexander, imperator haud paulo melior quam aut tu aut ego.*” *Ad Atticum*, v. 20. Issus, a rich and flourishing city in the time of Xenophon, was ruined by the prosperity of Alexandria or Scanderoon, on the other side of the bay.

the field. The cavalry and infantry in light or heavy armor were divided into two parties; the trumpets were fixed in the centre, and their signals directed the march, the charge, the retreat or pursuit; the direct or oblique order, the deep or extended phalanx; to represent in fictitious combat the operations of genuine war. Whatever hardships the emperor imposed on the troops, he inflicted with equal severity on himself; their labor, their diet, their sleep, were measured by the inflexible rules of discipline; and, without despising the enemy, they were taught to repose an implicit confidence in their own valor and the wisdom of their leader. Cilicia was soon encompassed with the Persian arms; but their cavalry hesitated to enter the defiles of Mount Taurus, till they were circumvented by the evolutions of Heraclius, who insensibly gained their rear, whilst he appeared to present his front in order of battle. By a false motion, which seemed to threaten Armenia, he drew them, against their wishes, to a general action. They were tempted by the artful disorder of his camp; but when they advanced to combat, the ground, the sun, and the expectation of both armies, were unpropitious to the Barbarians; the Romans successfully repeated their tactics in a field of battle,<sup>81</sup> and the event of the day declared to the world, that the Persians were not invincible, and that a hero was invested with the purple. Strong in victory and fame, Heraclius boldly ascended the heights of Mount Taurus, directed his march through the plains of Cappadocia, and established his troops, for the winter season, in safe and plentiful quarters on the banks of the River Halys.<sup>82</sup> His soul was superior to the vanity of entertaining Constantinople with an imperfect triumph; but the presence of the emperor was indispensably required to soothe the restless and rapacious spirit of the Avars.

Since the day\* of Scipio and Hannibal, no bolder enterprise has been attempted than that which Heraclius achieved for the deliverance of the empire.<sup>83</sup> He permitted the Persians

<sup>81</sup> Foggini (Annotat. p. 81) suspects that the Persians were deceived by the *φάλαγξ περιηγμένη* of Ælian, (Tactic. c. 48,) an intricate spiral motion of the army. He observes (p. 28) that the military descriptions of George of Pisidia are transcribed in the Tactics of the emperor Leo.

<sup>82</sup> George of Pisidia, an eye-witness, (Acroas. ii. 122, &c.) described in three *acroasets*, or cantos, the first expedition of Heraclius. The poem has been lately (1777) published at Rome; but such vague and declamatory praise is far from corresponding with the sanguine hopes of Fagi, D'Anville, &c.

<sup>83</sup> Theopanes (p. 255) carries Heraclius swiftly (*κατά ταχύς*) into

to oppress for a while the provinces, and to insult with impunity the capital of the East; while the Roman emperor explored his perilous way through the Black Sea," and the mountains of Armenia, penetrated into the heart of Persia," and recalled the armies of the great king to the defence of their bleeding country. With a select band of five thousand soldiers, Heraclius sailed from Constantinople to Trebizond; assembled his forces which had wintered in the Pontic regions; and, from the mouth of the Phasis to the Caspian Sea, encouraged his subjects and allies to march with the successor of Constantine under the faithful and victorious banner of the cross. When the legions of Lucullus and Pompey first passed the Euphrates, they blushed at their easy victory over the natives of Armenia. But the long experience of war had hardened the minds and bodies of that effeminate people; their zeal and bravery were approved in the service of a declining empire; they abhorred and feared the usurpation of the house of Sassan, and the memory of persecution envenomed their pious hatred of the enemies of Christ. The limits of Armenia, as it had been ceded to the emperor Maurice, extended as far as the Araxes: the river submitted to the indignity of a bridge," and Heraclius, in the footsteps of Mark Antony, ad-

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Armenia. Nicephorus, (p. 11,) though he confounds the two expeditions, defines the province of Lazica. Eutychius (Annal. tom. ii. p. 231) has given the 5000 men, with the more probable station of Trebizond.

" From Constantinople to Trebizond, with a fair wind, four or five days; from thence to Erzerom, five; to Erivan, twelve; to Taurus, ten; in all, thirty-two. Such is the Itinerary of Tavernier, (Voyages, tom. i. p. 12-56,) who was perfectly conversant with the roads of Asia. Tournefort, who travelled with a pacha, spent ten or twelve days between Trebizond and Erzerom, (Voyage du Levant, tom. iii. lettre xviii.) and Chardin (Voyages, tom. i. p. 249-254) gives the more correct distance of fifty-three parasangs, each of 5000 paces, (what paces?) between Erivan and Tauria.

" The expedition of Heraclius into Persia is finely illustrated by M. D'Anville, (Mémoires de l'Académie des Inscriptions, tom. xxviii. p. 559-573.) He discovers the situation of Gandzaca, Thebarma, Dashtagerd, &c., with admirable skill and learning; but the obscure campaign of 624 he passes over in silence.

" Et pontem indignatus Araxes.—Virgil, *Æneid*, viii. 728. The River Araxes is noisy, rapid, vehement, and, with the melting of the snows, irresistible: the strongest and most massy bridges are swept away by the current; and its indignation is attested by the ruins of many arches near the old town of Zulfa. Voyages de Chardin, tom. i. p. 252.

**Media and Assyria.** In the severity of the winter season, Sarbaraza deemed himself secure in the walls of Salban: he was surprised by the activity of Heraclius, who divided his troops, and performed a laborious march in the silence of the night. The flat roofs of the houses were defended with useless valor against the darts and torches of the Romans: the satraps and nobles of Persia, with their wives and children, and the flower of their martial youth, were either slain or made prisoners. The general escaped by a precipitate flight, but his golden armor was the prize of the conqueror; and the soldiers of Heraclius enjoyed the wealth and repose which they had so nobly deserved. On the return of spring, the emperor traversed in seven days the mountains of Curdistan, and passed without resistance the rapid stream of the Tigris. Oppressed by the weight of their spoils and captives, the Roman army halted under the walls of Amida; and Heraclius informed the senate of Constantinople of his safety and success, which they had already felt by the retreat of the besiegers. The bridges of the Euphrates were destroyed by the Persians; but as soon as the emperor had discovered a ford, they hastily retired to defend the banks of the Sarus,\* in Cilicia. That river, an impetuous torrent, was about three hundred feet broad; the bridge was fortified with strong towers; and the banks were lined with Barbarian archers. After a bloody conflict, which continued till the evening, the Romans prevailed in the assault; and a Persian of gigantic size was slain and thrown into the Sarus by the hand of the emperor himself. The enemies were dispersed and dismayed; Heraclius pursued his march to Sebaste in Cappadocia; and at the expiration of three years, the same coast of the Euxine applauded his return from a long and victorious expedition.<sup>11</sup>

Instead of skirmishing on the frontier, the two monarchs who disputed the empire of the East aimed their desperate

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<sup>10</sup> At ten parasangs from Tarsus, the army of the younger Cyrus passed the Sarus,\* three plethra in breadth: the Pyramus, a stadium in breadth, ran five parasangs farther to the east, (Xenophon, Anabae. l. i. p. 33, 34.)

<sup>11</sup> George of Pisidia (Bell. Abaricum, 246--265, p. 49) celebrates with truth the persevering courage of the three campaigns (*τρεῖς ἐκστρώσεις*) against the Persians.

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\* Now the Sihan.—M.

strokes at the heart of their rival. The military force of Persia was wasted by the marches and combats of twenty years, and many of the veterans, who had survived the perils of the sword and the climate, were still detained in the fortresses of Egypt and Syria. But the revenge and ambition of Chosroes exhausted his kingdom; and the new levies of subjects, strangers, and slaves, were divided into three formidable bodies.<sup>64</sup> The first army of fifty thousand men, illustrious by the ornament and title of the *golden spears*, was destined to march against Heraclius; the second was stationed to prevent his junction with the troops of his brother Theodore; and the third was commanded to besiege Constantinople, and to second the operations of the chagan, with whom the Persian king had ratified a treaty of alliance and partition. Sarbar, the general of the third army, penetrated through the provinces of Asia to the well-known camp of Chalcedon, and amused himself with the destruction of the sacred and profane buildings of the Asiatic suburbs, while he impatiently waited the arrival of his Scythian friends on the opposite side of the Bosphorus. On the twenty-ninth of June, thirty thousand Barbarians, the vanguard of the Avars, forced the long wall, and drove into the capital a promiscuous crowd of peasants, citizens, and soldiers. Fourscore thousand<sup>65</sup> of his native subjects, and of the vassal tribes of Gepidæ, Russians, Bulgarians, and Slavonians, advanced under the standard of the chagan; a month was spent in marches and negotiations, but the whole city was invested on the thirty-first of July, from the suburbs of Pera and Galata to the Blachernæ and seven towers; and the inhabitants desecrated with terror the flaming signals of the European and Asiatic shores. In the mean while, the magistrates of Constantinople repeatedly strove to purchase the retreat of the chagan; but their deputies were rejected and insulted; and he suffered the patricians to stand before his throne, while the Persian envoys, in silk robes, were seated by his side. "You see," said the haughty

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<sup>64</sup> Petavius (Annotationes ad Nicephorum, p. 62, 63, 64) discriminates the names and actions of five Persian generals who were successively sent against Heraclius.

<sup>65</sup> This number of eight myriads is specified by George of Pisidia, (Bell. Abar. 219.) The poet (50—88) clearly indicates that the old chagan lived till the reign of Heraclius, and that his son and successor was born of a foreign mother. Yet Foggini (Annotat. p. 57) has given another interpretation to this passage.

ascended to flatter the Barbarian with the promise of a fair and *august* bride; obtained an immediate succor of forty thousand horse, and negotiated a strong diversion of the Turkish arms on the side of the Oxus.<sup>100</sup> The Persians, in their turn, retreated with precipitation; in the camp o. Edessa, Heraclius reviewed an army of seventy thousand Romans and strangers; and some months were successfully employed in the recovery of the cities of Syria, Mesopotamia, and Armenia, whose fortifications had been imperfectly restored. Sarbar still maintained the important station of Chalcedon; but the jealousy of Chosroes, or the artifice of Heraclius, soon alienated the mind of that powerful satrap from the service of his king and country. A messenger was intercepted with a real or fictitious mandate to the *cadarigan*, or second in command, directing him to send, without delay, to the throne, the head of a guilty or unfortunate general. The despatches were transmitted to Sarbar himself; and as soon as he read the sentence of his own death, he dexterously inserted the names of four hundred officers, assembled a military council, and asked the *cadarigan* whether he was prepared to execute the commands of their tyrant. The Persians unanimously declared, that Chosroes had forfeited the sceptre; a separate treaty was concluded with the government of Constantinople; and if some considerations of honor or policy restrained Sarbar from joining the standard of Heraclius, the emperor was assured that he might prosecute, without interruption, his designs of victory and peace.

Deprived of his firmest support, and doubtful of the fidelity of his subjects, the greatness of Chosroes was still conspicuous in its ruins. The number of five hundred thousand may be interpreted as an Oriental metaphor, to describe the men and arms, the horses and elephants, that covered Media and Assyria against the invasion of Heraclius. Yet the Romans boldly advanced from the Araxes to the Tigris, and the timid prudence of Rhazates was content to follow them by forced marches through a desolate country, till he received

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this time she was about fifteen. Eudocia was afterwards sent to her Turkish husband, but the news of his death stopped her journey, and prevented the consummation, (Ducange, *Familia Byzantin.* p. 118.)

<sup>100</sup> Elmecain (*Hist. Saracen.* p. 13—16) gives some curious and probable facts; but his numbers are rather too high—300,000 Romans assembled at Edessa—500,000 Persians killed at Nineveh. The abatement of a cipher is scarcely enough to restore his sanity

a peremptory mandate to risk the fate of Persia in a decisive battle. Eastward of the Tigris, at the end of the bridge of Mosul, the great Nineveh had formerly been erected:<sup>101</sup> the city, and even the ruins of the city, had long since disappeared;<sup>102</sup> the vacant space afforded a spacious field for the operations of the two armies. But these operations are neglected by the Byzantine historians, and, like the authors of epic poetry and romance, they ascribe the victory, not to the military conduct, but to the personal valor, of their favorite hero. On this memorable day, Heraclius, on his horse Phallas, surpassed the bravest of his warriors: his lip was pierced with a spear; the steed was wounded in the thigh; but he carried his master safe and victorious through the triple phalanx of the Barbarians. In the heat of the action, three valiant chiefs were successively slain by the sword and lance of the emperor: among these was Rhazates himself; he fell like a soldier, but the sight of his head scattered grief and despair through the fainting ranks of the Persians. His armor of pure and massy gold, the shield of one hundred and twenty plates, the sword and belt, the saddle and cuirass, adorned the triumph of Heraclius; and if he had not been faithful to Christ and his mother, the champion of Rome might have offered the fourth *opime* spoils to the Jupiter of the Capitol.<sup>103</sup> In the battle of Nineveh, which was fiercely fought from daybreak to the eleventh hour,

<sup>101</sup> Otesias (apud Didor. Sicul. tom. i. l. ii. p. 115, edit. Wesseling) assigns 480 stadia (perhaps only 32 miles) for the circumference of Nineveh. Jonas talks of three days' journey: the 120,000 persons described by the prophet as incapable of discerning their right hand from their left, may afford about 700,000 persons of all ages for the inhabitants of that ancient capital, (Goguet, Origines des Loix, &c., tom. iii. part i. p. 92, 93.) which ceased to exist 600 years before Christ. The western suburb still subsisted, and is mentioned under the name of Mosul in the first age of the Arabian khalifs.

<sup>102</sup> Niebuhr (Voyage en Arabie, &c., tom. ii. p. 286) passed over Nineveh without perceiving it. He mistook for a ridge of hills the old rampart of brick or earth. It is said to have been 100 feet high, flanked with 1500 towers, each of the height of 200 feet.

<sup>103</sup> Rex regia arma fero (says Romulus, in the first consecration) . . . bina postea (continues Livy, i. 10) inter tot bella, opima pars sunt spolia, adeo rara ejus fortuna decoris. If Varro (apud P. mo Festum, p. 306, edit. Dacier) could justify his liberality in granting the *opime* spoils even to a common soldier who had slain the king or general of the enemy, the honor would have been much more cheap and common.

twenty-eight standards, besides those which might be broken or torn, were taken from the Persians; the greatest part of their army was cut in pieces, and the victors, concealing their own loss, passed the night on the field. They acknowledged, that on this occasion it was less difficult to kill than to discomfit the soldiers of Chosroes; amidst the bodies of their friends, no more than two bow-shot from the enemy, the remnant of the Persian cavalry stood firm till the seventh hour of the night; about the eighth hour they retired to their unfortified camp, collected their baggage, and dispersed on all sides, from the want of orders rather than of resolution. The diligence of Heraclius was not less admirable in the use of victory; by a march of forty-eight miles in four-and-twenty hours, his vanguard occupied the bridges of the great and the lesser Zab; and the cities and palaces of Assyria were open for the first time to the Romans. By a just gradation of magnificent scenes, they penetrated to the royal seat of Dastagerd,\* and, though much of the treasure had been removed, and much had been expended, the remaining wealth appears to have exceeded their hopes, and even to have satiated their avarice. Whatever could not be easily transported, they consumed with fire, that Chosroes might feel the anguish of those wounds which he had so often inflicted on the provinces of the empire: and justice might allow the excuse, if the desolation had been confined to the works of regal luxury, if national hatred, military license, and religious zeal, had not wasted with equal rage the habitations and the temples of the guiltless subject. The recovery of three hundred Roman standards, and the deliverance of the numerous captives of Edessa and Alexandria, reflect a purer glory on the arms of Heraclius. From the palace of Dastagerd, he pursued his march within a few miles of Modain or Ctesiphon, till he was stopped, on the banks of the Arba, by the difficulty of the passage, the rigor of the season, and perhaps the fame of an impregnable capital. The return of the emperor is marked by the modern name of the city of Sherhzour: he fortunately passed Mount Zara, before the snow, which fell incessantly thirty-four days; and the citi

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\* Macdonald Kinneir places Dastagerd at Kasr e Shirin, the palace of Hira on the banks of the Diala between Holwan and Kanabes. *Kinneir's Geograph. Mem.* p. 306.—M.



mens of Gandaxa, or Tauris, were compelled to entertain ~~his~~ soldiers and their horses with a hospitable reception.<sup>104</sup>

When the ambition of Chosroes was reduced to the defence of his hereditary kingdom, the love of glory, or even the sense of shame, should have urged him to meet his rival in the field. In the battle of Nineveh, his courage might have taught the Persians to vanquish, or he might have fallen with honor by the lance of a Roman emperor. The successor of Cyrus chose rather, at a secure distance, to expect the event, to assemble the relics of the defeat, and to retire, by measured steps, before the march of Heraclius, till he beheld with a sigh the once loved mansions of Dastagerd. Both his friends and enemies were persuaded, that it was the intention of Chosroes to bury himself under the ruins of the city and palace: and as both might have been equally adverse to his flight, the monarch of Asia, with Sira,\* and three concubines, escaped through a hole in the wall nine days before the arrival of the Romans. The slow and stately procession in which he showed himself to the prostrate crowd, was changed to a rapid and secret journey; and the first evening he lodged in the cottage of a peasant, whose humble door would scarcely give admittance to the great king.<sup>105</sup> His superstition was subdued by fear: on the third day, he entered with joy the fortifications of Ctesiphon; yet he still doubted of his safety till he had opposed the River Tigris to the pursuit of the Romans. The discovery of his flight agitated with terror and tumult the palace, the city, and the camp of Dastagerd: the satraps hesitated whether they had most to fear from their sovereign or the enemy; and the

<sup>104</sup> In describing this last expedition of Heraclius, the facts, the places, and the dates of Theophanes (p. 265—271) are so accurate and authentic, that he must have followed the original letters of the emperor, of which the Paschal Chronicle has preserved (p. 398—402) a very curious specimen.

<sup>105</sup> The words of Theophanes are remarkable: *εἰσῆλθεν Χοσρόης εἰς οἶκον γεώργου μηδαμινὸν μεῖναι, μάστις χωρηθεὶς ἐν τῇ τοῦτου ὁρᾷ, ἣν ἰδὼν Ἰσχαριὸν Ἡράκλειος ἠσάβησεν*, (p. 269.) Young princes who discover a propensity to war should repeatedly transcribe and translate such salutary texts.

\* The Schirin of Persian poetry. The love of Chosru and Schirin rivals in Persian romance that of Joseph with Zuleika the wife of Potiphar, of Solomon with the queen of Sheba, and that of Mejnoun and Leila. The number of Persian poems on the subject may be seen in M. von Hammer's preface to his poem of Schirin.—M

As soon as the mountains became passable, the emperor received the welcome news of the success of the conspiracy, the death of Chosroes, and the elevation of his eldest son to the throne of Persia. The authors of the revolution, eager to display their merits in the court or camp of Tauris, preceded the ambassadors of Siroes, who delivered the letters of their master to his *brother* the emperor of the Romans.<sup>100</sup> In the language of the usurpers of every age, he imputes his own crimes to the Deity, and, without degrading his equal majesty, he offers to reconcile the long discord of the two nations, by a treaty of peace and alliance more durable than brass or iron. The conditions of the treaty were easily defined and faithfully executed. In the recovery of the standards and prisoners which had fallen into the hands of the Persians, the emperor imitated the example of Augustus: their care of the national dignity was celebrated by the poets of the times, but the decay of genius may be measured by the distance between Horace and George of Pisidia: the subjects and brethren of Heraclius were redeemed from persecution, slavery, and exile; but, instead of the Roman eagles, the true wood of the holy cross was restored to the importunate demands of the successor of Constantine.\* The victor was not ambitious of enlarging the weakness of the empire; the son of Chosroes abandoned without regret the conquests of his father; the Persians who evacuated the cities of Syria and Egypt were honorably conducted to the frontier, and a war which had wounded the vitals of the two monarchies, produced no change in their external and relative situation. The return of Heraclius from Tauris to Constantinople was a perpetual triumph; and after the exploits of six glorious campaigns, he peaceably enjoyed the Sabbath of his toils. After a long impatience, the senate, the clergy, and the people, went forth to meet their hero, with tears and acclamations, with olive branches and innumerable lamps; he entered the capital in a chariot drawn by four elephants; and as soon as the emperor could disengage himself from the tumult of

<sup>100</sup> The letter of Siroes in the Paschal Chronicle (p. 402) unfortunately ends before he proceeds to business.\* The treaty appears in its execution in the histories of Theophanes and Nicephorus.

\* M. Mai, Script. Vet. Nova Collectio, vol. 1. P. 2, p. 223, has added some lines, but no clear sense can be made out of the fragment.—M.

public joy, he tasted more genuine satisfaction in the embraces of his mother and his son.<sup>110</sup>

The succeeding year was illustrated by a triumph of a very different kind, the restitution of the true cross to the holy sepulchre. Heraclius performed in person the pilgrimage of Jerusalem, the identity of the relic was verified by the discreet patriarch,<sup>111</sup> and this august ceremony has been commemorated by the annual festival of the exaltation of the cross. Before the emperor presumed to tread the consecrated ground, he was instructed to strip himself of the diadem and purple, the pomp and vanity of the world: but in the judgment of his clergy, the persecution of the Jews was more easily reconciled with the precepts of the gospel.\* He again ascended his throne to receive the congratulations of the ambassadors of France and India: and the fame of Moses, Alexander, and Hercules,<sup>112</sup> was eclipsed in the popular estimation, by the superior merit and glory of the great Heraclius. Yet the deliverer of the East was indigent and feeble. Of the Persian spoils, the most valuable portion had been expended in the war, distributed to the soldiers, or buried, by an unlucky tempest, in the waves of the Euxine.

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<sup>110</sup> The burden of Corneille's song,

"Montrez Heraclius au peuple qui l'attend,"

is much better suited to the present occasion. See his triumph in Theophanes (p. 272, 273) and Nicephorus, (p. 15, 16.) The life of the mother and tenderness of the son are attested by George of Pisidia, (Bell. Abar. 255, &c., p. 49.) The metaphor of the Sabbath is used somewhat profanely by these Byzantine Christians.

<sup>111</sup> See Baronius, (Annal. Eccles. A. D. 628, No. 1—4,) Eutychius, (Annal. tom. ii. p. 240—248,) Nicephorus, (Brev. p. 15.) The seals of the case had never been broken; and this preservation of the cross is ascribed (under God) to the devotion of Quœn Sira.

<sup>112</sup> George of Pisidia, Acroas. iii. de Expedit. contra Persas, 415, &c., and Heraclid. Acroas. i. 65—138. I neglect the meaner parallels of Daniel, Timotheus, &c.; Chosroes and the chagan were of course compared to Belshazzar, Pharaoh, the old serpent, &c.

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\* If the clergy imposed upon the kneeling and penitent emperor the persecution of the Jews, it must be acknowledged that provocation was not wanting; for how many of them had been eye-witnesses of, perhaps sufferers in, the horrible atrocities committed on the capture of the city! Yet we have no authentic account of great severities exercised by Heraclius. The law of Hadrian was reenacted, which prohibited the Jews from approaching within three miles of the city—a law, which, in the present exasperated state of the Christians, might be a measure of security or mercy, rather than of oppression. Milman, Hist. of the Jews. iii. 242.—M.

reputed parents, Joseph and Mary, and his lineal claim to the kingdom of David and the inheritance of Judah. But the secret and authentic history has been recorded in several copies of the Gospel according to St. Matthew,<sup>4</sup> which these sectaries long preserved in the original Hebrew,<sup>5</sup> as the sole evidence of their faith. The natural suspicions of the husband, conscious of his own chastity, were dispelled by the assurance (in a dream) that his wife was pregnant of the Holy Ghost: and as this distant and domestic prodigy could not fall under the personal observation of the historian, he must have listened to the same voice which dictated to Isaiah the future conception of a virgin. The son of a virgin, generated by the ineffable operation of the Holy Spirit, was a creature without example or resemblance, superior in every attribute of mind and body to the children of Adam. Since the introduction of the Greek or Chaldean philosophy,<sup>6</sup> the Jews' were per-

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<sup>4</sup> The two first chapters of St. Matthew did not exist in the Ebionite copies, (Epiphanius, *Hæres.* xxx. 13;) and the miraculous conception is one of the last articles which Dr. Priestley has curtailed from his scanty creed.\*

<sup>5</sup> It is probable enough that the first of the Gospels for the use of the Jewish converts was composed in the Hebrew or Syriac idiom: the fact is attested by a chain of fathers—Papias, Irenæus, Origen, Jerom, &c. It is devoutly believed by the Catholics, and admitted by Casaubon, Grotius, and Isaac Vossius, among the Protestant critics. But this Hebrew Gospel of St. Matthew is most unaccountably lost; and we may accuse the diligence or fidelity of the primitive churches, who have preferred the unauthorized version of some nameless Greek. Erasmus and his followers, who respect our Greek text as the original Gospel, deprive themselves of the evidence which declares it to be the work of an apostle. See Simon, *Hist. Critique*, &c., tom. iii. c. 5—9, p. 47—101, and the *Prolegomena* of Mill and Wetstein to the New Testament.†

<sup>6</sup> The metaphysics of the soul are disengaged by Cicero (*Tusculan.* l. i.) and Maximus of Tyre (*Dissertat.* xvi.) from the intricacies of dialogue, which sometimes amuse, and often perplex, the readers of the *Phædrus*, the *Phædon*, and the *Laws* of Plato.

<sup>7</sup> The disciples of Jesus were persuaded that a man might have

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\* The distinct allusion to the facts related in the two first chapters of the Gospel, in a work evidently written about the end of the reign of Nero, the *Ascensio Isaie*, edited by Archbishop Lawrence, seems convincing evidence that they are integral parts of the authentic Christian history.—M.

† Surely the extinction of the Judæo-Christian community related from Mosheim by Gibbon himself (c. xv.) accounts both simply and naturally for the loss of a composition, which had become of no use—nor does it follow that the Greek Gospel of St. Matthew is unauthorized.—M.

ruined of the preëxistence, transmigration, and immortality of souls; and providence was justified by a supposition, that they were confined in their earthly prisons to expiate the stains which they had contracted in a former state.\* But the degrees of purity and corruption are almost immeasurable. It might be fairly presumed, that the most sublime and virtuous of human spirits was infused into the offspring of Mary and the Holy Ghost;† that his abasement was the result of his voluntary choice; and that the object of his mission was, to purify, not his own, but the sins of the world. On his return to his native skies, he received the immense reward of his obedience; the everlasting kingdom of the Messiah, which had been darkly foretold by the prophets, under the carnal images of peace, of conquest, and of dominion. Omnipotence could enlarge the human faculties of Christ to the extent of his celestial office. In the language of antiquity, the title of God has not been severely confined to the first parent, and his incomparable minister, his only-begotten son, might claim, without presumption, the religious, though secondary, worship of a subject world.

II. The seeds of the faith, which had slowly arisen in the rocky and ungrateful soil of Judea, were transplanted, in full maturity, to the happier climes of the Gentiles; and the strangers of Rome or Asia, who never beheld the manhood, were the more readily disposed to embrace the divinity, of Christ. The polytheist and the philosopher, the Greek and the Barbarian, were alike accustomed to conceive a long suc-

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ained before he was born, (John, ix. 2,) and the Pharisees held the transmigration of virtuous souls, (Joseph. de Bell. Judaico, l. ii. c. 7;) and a modern Rabbi is modestly assured, that Hermes, Pythagoras, Plato, &c., derived their metaphysics from his illustrious countrymen.

\* Four different opinions have been entertained concerning the origin of human souls: 1. That they are eternal and divine. 2. That they were created in a separate state of existence, before their union with the body. 3. That they have been propagated from the original stock of Adam, who contained in himself the mental as well as the corporeal seed of his posterity. 4. That each soul is occasionally created and embodied in the moment of conception.—The last of these sentiments appears to have prevailed among the moderns; and our spiritual history is grown less sublime, without becoming more intelligible.

† *Ὅτι ἡ τοῦ Σωτῆρος ψυχὴ ἡ τοῦ Ἀδὰμ ἦ*,—was one of the fifteen heresies imputed to Origen, and denied by his apologist, (Photius, Bibliothec. cod. cxvii. p. 296.) Some of the Rabbis attribute one and the same soul to the persons of Adam, David, and the Messiah.

whose schools are honored by the names of Basil, Gregory and Chrysostom, and tainted by those of Diodorus, Theodore, and Nestorius. But the person of the aged bishop of Laodicea, his character and dignity, remained inviolate; and his rivals, since we may not suspect them of the weakness of toleration, were astonished, perhaps, by the novelty of the argument, and diffident of the final sentence of the Catholic church. Her judgment at length inclined in their favor; the heresy of Apollinaris was condemned, and the separate congregations of his disciples were proscribed by the Imperial laws. But his principles were secretly entertained in the monasteries of Egypt, and his enemies felt the hatred of Theophilus and Cyril, the successive patriarchs of Alexandria.

V. The grovelling Ebionite, and the fantastic Docetes, were rejected and forgotten: the recent zeal against the errors of Apollinaris reduced the Catholics to a seeming agreement with the double nature of Cerinthus. But instead of a temporary and occasional alliance, *they* established, and *we* still embrace, the substantial, indissoluble, and everlasting union of a perfect God with a perfect man, of the second person of the trinity with a reasonable soul and human flesh. In the beginning of the fifth century, the *unity* of the *two natures* was the prevailing doctrine of the church. On all sides, it was confessed, that the mode of their coëxistence could neither be represented by our ideas, nor expressed by our language. Yet a secret and incurable discord was cherished, between those who were most apprehensive of confounding, and those who were most fearful of separating, the divinity, and the humanity, of Christ. Impelled by religious frenzy, they fled with adverse haste from the error which they mutually deemed most destructive of truth and salvation. On either hand they were anxious to guard, they were jealous to defend, the union and the distinction of the two natures, and to invent such forms of speech, such symbols of doctrine, as were least susceptible of doubt or ambiguity. The poverty of ideas and language tempted them to ransack art and nature for every possible comparison, and each comparison mislead their fancy in the explanation of an incomparable mystery. In the polemic microscope, an atom is enlarged to a monster, and each party was skilful to exaggerate the absurd or impious conclusions that might be extorted from the principles of their adversaries. To escape from

each other, they wandered through many a dark and devious thicket, till they were astonished by the horrid phantoms of Cerinthus and Apollinaris, who guarded the opposite issues of the theological labyrinth. As soon as they beheld the twilight of sense and heresy, they started, measured back their steps, and were again involved in the gloom of impenetrable orthodoxy. To purge themselves from the guilt or reproach of damnable error, they disavowed their consequences, explained their principles, excused their indiscretions, and unanimously pronounced the standards of concord and faith. Yet a latent and almost invisible spark still lurked among the embers of controversy: by the breath of prejudice and passion, it was quickly kindled to a mighty flame, and the verbal disputes<sup>19</sup> of the Oriental sects have shaken the pillars of the church and state.

The name of CYRIL of Alexandria is famous in controversial story, and the title of *saint* is a mark that his opinions and his party have finally prevailed. In the house of his uncle, the archbishop Theophilus, he imbibed the orthodox lessons of zeal and dominion, and five years of his youth were profitably spent in the adjacent monasteries of Nitria. Under the tuition of the abbot Serapion, he applied himself to ecclesiastical studies, with such indefatigable ardor, that in the course of *one* sleepless night, he has perused the four Gospels, the Catholic Epistles, and the Epistle to the Romans. Origen he detested; but the writings of Clemens and Dionysius, of Athanasius and Basil, were continually in his hands: by the theory and practice of dispute, his faith was confirmed and his wit was sharpened; he extended round his cell the cobwebs of scholastic theology, and meditated the works of allegory and metaphysics, whose remains, in seven verbose folios, now peaceably slumber by the side of their rivals.<sup>20</sup> Cyril

<sup>19</sup> I appeal to the confession of two Oriental prelates, Gregory Abulpharagius the Jacobite primate of the East, and Elias the Nestorian metropolitan of Damascus, (see Asseman, Bibliothec. Oriental. tom. ii. p. 291, tom. iii. p. 514, &c.) that the Melchites, Jacobites, Nestorians, &c., agree in the *doctrine*, and differ only in the *expression*. Our most learned and rational divines—Basnage, Le Clerc, Beausobre, La Croze, Mosheim, Jablonski—are inclined to favor this charitable judgment; but the zeal of Petavius is loud and angry, and the moderation of Dupin is conveyed in a whisper.

<sup>20</sup> La Croze (Hist. du Christianisme des Indes, tom. i. p. 24) avows his contempt for the genius and writings of Cyril. De tous les ouvrages des anciens, il y en a peu qu'on lise avec moins d'utilité: and

prayed and fasted in the desert, but his thoughts (it is the reproach of a friend)<sup>21</sup> were still fixed on the world; and the call of Theophilus, who summoned him to the tumult of cities and synoda, was too readily obeyed by the aspiring hermit. With the approbation of his uncle, he assumed the office, and acquired the fame, of a popular preacher. His comely person adorned the pulpit; the harmony of his voice resounded in the cathedral; his friends were stationed to lead or second the applause of the congregation;<sup>22</sup> and the hasty notes of the scribes preserved his discourses, which in their effect, though not in their composition, might be compared with those of the Athenian orators. The death of Theophilus expanded and realized the hopes of his nephew. The clergy of Alexandria was divided; the soldiers and their general supported the claims of the archdeacon; but a resistless multitude, with voices and with hands, asserted the cause of their favorite; and after a period of thirty-nine years, Cyril was seated on the throne of Athanasius.<sup>23</sup>

The prize was not unworthy of his ambition. At a distance from the court, and at the head of an immense capital, the patriarch, as he was now styled, of Alexandria had gradually usurped the state and authority of a civil magistrate. The public and private charities of the city were managed by his discretion; his voice inflamed or appeased the passions of the multitude; his commands were blindly obeyed by his numerous and fanatic *parabolani*,<sup>24</sup> familiarized in their daily

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Dupin, (Bibliothèque Ecclésiastique, tom. iv. p. 42—52,) in words of respect, teaches us to despise them.

<sup>21</sup> Of Isidore of Pelusium, (l. i. epist. 25, p. 8.) As the letter is not of the most creditable sort, Tillemont, less sincere than the Bollandists, affects a doubt whether *this* Cyril is the nephew of Theophilus, (Mém. Eccléa. tom. xiv. p. 268.)

<sup>22</sup> A grammarian is named by Socrates (l. vii. c. 18) *διάκρυος δὲ ἀκροατὴς τοῦ ἐκασήμενου Κυρίλλου καθιστώσας, καὶ περὶ τὸ κρέσσους ἐν ταῖς διδασκαλίαις αὐτοῦ ἐγείρειν ἢ σπουδαίτατος*.

<sup>23</sup> See the youth and promotion of Cyril, in Socrates, (l. vii. c. 7) and Renaudot, (Hist. Patriarch. Alexandrin. p. 106, 108.) The Abbé Renaudot drew his materials from the Arabic history of Severus, bishop of Hermopolis Magna, or Ashmunein, in the xth century, who can never be trusted, unless our assent is extorted by the internal evidence of facts.

<sup>24</sup> The *Parabolani* of Alexandria were a charitable corporation, instituted during the plague of Gallienus, to visit the sick and to bury the dead. They gradually enlarged, abused, and sold the privileges of their order. Their outrageous conduct during the reign of Cyril



office with scenes of death; and the præfects of Egypt were awed or provoked by the temporal power of these Christian pontiffs. Ardent in the prosecution of heresy, Cyril auspiciously opened his reign by oppressing the Novatians, the most innocent and harmless of the sectaries. The interdiction of their religious worship appeared in his eyes a just and meritorious act; and he confiscated their holy vessels, without apprehending the guilt of sacrilege. The toleration, and even the privileges of the Jews, who had multiplied to the number of forty thousand, were secured by the laws of the Cæsars and Ptolemies, and a long prescription of seven hundred years since the foundation of Alexandria. Without any legal sentence, without any royal mandate, the patriarch, at the dawn of day, led a seditious multitude to the attack of the synagogues. Unarmed and unprepared, the Jews were incapable of resistance; their houses of prayer were levelled with the ground, and the episcopal warrior, after rewarding his troops with the plunder of their goods, expelled from the city the remnant of the unbelieving nation. Perhaps he might plead the insolence of their prosperity, and their deadly hatred of the Christians, whose blood they had recently shed in a malicious or accidental tumult. Such crimes would have deserved the animadversion of the magistrate; but in this promiscuous outrage, the innocent were confounded with the guilty, and Alexandria was impoverished by the loss of a wealthy and industrious colony. The zeal of Cyril exposed him to the penalties of the Julian law; but in a feeble government and a superstitious age, he was secure of impunity, and even of praise. Orestes complained; but his just complaints were too quickly forgotten by the ministers of Theodosius, and too deeply remembered by a priest who affected to pardon, and continued to hate, the præfect of Egypt. As he passed through the streets, his chariot was assaulted by a band of five hundred of the Nitrian monks; his guards fled from the wild beasts of the desert; his protestations that he was a Christian and a Catholic were answered by a volley of stones, and the face of Orestes was covered with blood. The loyal citizens of Alexandria hastened to his

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provoked the emperor to deprive the patriarch of their nomination, and to restrain their number to five or six hundred. But these restraints were transient and ineffectual. See the Theodosian Code, l. xvi. tit. ii. and Tillemont, *Mém. Ecclés.* tom. xiv. p. 276—278.

rescue; he instantly satisfied his justice and revenge against the monk by whose hand he had been wounded, and Ammonius expired under the rod of the lictor. At the command of Cyril his body was raised from the ground, and transported, in solemn procession, to the cathedral; the name of Ammonius was changed to that of Thaumastus the *wonderful*; his tomb was decorated with the trophies of martyrdom, and the patriarch ascended the pulpit to celebrate the magnanimity of an assassin and a rebel. Such honors might incite the faithful to combat and die under the banners of the saint; and he soon prompted, or accepted, the sacrifice of a virgin, who professed the religion of the Greeks, and cultivated the friendship of Orestes. Hypatia, the daughter of Theon the mathematician,<sup>28</sup> was initiated in her father's studies; her learned comments have elucidated the geometry of Apollonius and Diophantus, and she publicly taught, both at Athens and Alexandria, the philosophy of Plato and Aristotle. In the bloom of beauty, and in the maturity of wisdom, the modest maid refused her lovers and instructed her disciples; the persons most illustrious for their rank or merit were impatient to visit the female philosopher; and Cyril beheld, with a jealous eye, the gorgeous train of horses and slaves who crowded the door of her academy. A rumor was spread among the Christians, that the daughter of Theon was the only obstacle to the reconciliation of the præfect and the archbishop; and that obstacle was speedily removed. On a fatal day, in the holy season of Lent, Hypatia was torn from her chariot, stripped naked, dragged to the church, and inhumanly butchered by the hands of Peter the reader, and a troop of savage and merciless fanatics: her flesh was scraped from her bones with sharp cyster shells,<sup>29</sup> and her quivering limbs

<sup>28</sup> For Theon and his daughter Hypatia, see Fabricius, *Bibliothec. tom. viii. p. 210, 211*. Her article in the *Lexicon of Suidas* is curious and original. Hesychius (*Meursii Opera, tom. vii. p. 295, 296*) observes, that he was persecuted *διὰ τὴν υπερβάλλουσαν σοφίαν*; and an epigram in the *Greek Anthology* (l. i. c. 76, p. 159, edit. Brodæi) celebrates her knowledge and eloquence. She is honorably mentioned (*Epist. 10, 15, 16, 83—80, 124, 135, 153*) by her friend and disciple the philosophic bishop Synesius.

<sup>29</sup> *ὀστράκοις ἀνέλιν, καὶ μελῶν διασπᾶντες, &c.* Oyster shells were plentifully strewn on the sea-beach before the *Cæsareum*. I may therefore prefer the literal sense, without rejecting the metaphorical version of *tegulae*, tiles, which is used by M. de Valois. I am

were delivered to the flames. The just progress of inquiry and punishment was stopped by seasonable gifts; but the murder of Hypatia has imprinted an indelible stain on the character and religion of Cyril of Alexandria.<sup>27</sup>

Superstition, perhaps, would more gently expiate the blood of a virgin, than the banishment of a saint; and Cyril had accompanied his uncle to the iniquitous synod of the Oak. When the memory of Chrysostom was restored and consecrated, the nephew of Theophilus, at the head of a dying faction, still maintained the justice of his sentence; nor was it till after a tedious delay and an obstinate resistance, that he yielded to the consent of the Catholic world.<sup>28</sup> His enmity to the Byzantine pontiffs<sup>29</sup> was a sense of interest, not a Sally of passion: he envied their fortunate station in the sunshine of the Imperial court; and he dreaded their upstart ambition, which oppressed the metropolitans of Europe and Asia, invaded the provinces of Antioch and Alexandria, and measured their diocese by the limits of the empire. The long moderation of Atticus, the mild usurper of the throne of Chrysostom, suspended the animosities of the Eastern patriarchs; but Cyril was at length awakened by the exaltation of a rival more worthy of his esteem and hatred. After the short and troubled reign of Sisinnius, bishop of Constantinople, the factions of the clergy and people were appeased by the choice of the emperor, who, on this occasion, consulted the voice of fame, and invited the merit of a stranger. Nestorius,<sup>30</sup>

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ignorant, and the assassins were probably regardless, whether their victim was yet alive.

<sup>27</sup> These exploits of St. Cyril are recorded by Socrates, (l. vii. c. 13, 14, 15;) and the most reluctant bigotry is compelled to copy an historian who coolly styles the murderers of Hypatia *ἀνδρες τὸ φρόνημα ἰσθέρητοι*. At the mention of that injured name, I am pleased to observe a blush even on the cheek of Baronius, (A. D. 415, No. 48.)

<sup>28</sup> He was deaf to the entreaties of Atticus of Constantinople, and of Isidore of Pelusium, and yielded only (if we may believe Nicephorus, l. xiv. c. 18) to the personal intercession of the Virgin. Yet in his last years he still muttered that John Chrysostom had been justly condemned, (Tillemont, *Mém. Eccles.* tom. xiv. p. 278—282. Baronius *Annal. Eccles.* A. D. 412, No. 46—64.)

<sup>29</sup> See their characters in the history of Socrates, (l. vii. c. 25—28;) their power and pretensions, in the huge compilation of Thomassin, (*Discipline de l'Eglise*, tom. i. p. 80—91.)

<sup>30</sup> His elevation and conduct are described by Socrates, (l. vii. c. 29, 31;) and Marcellinus seems to have applied the eloquentis satis, sapientis parum, of Sallust.

native of Germanicia, and a monk of Antioch, was recommended by the austerity of his life, and the eloquence of his sermons; but the first homily which he preached before the devout Theodosius betrayed the acrimony and impatience of his zeal. "Give me, O Cæsar!" he exclaimed, "give me the earth purged of heretics, and I will give you in exchange the kingdom of heaven. Exterminate with me the heretics; and with you I will exterminate the Persians." On the fifth day, as if the treaty had been already signed, the patriarch of Constantinople discovered, surprised, and attacked a secret conventicle of the Arians: they preferred death to submission; the flames that were kindled by their despair, soon spread to the neighboring houses, and the triumph of Nestorius was clouded by the name of *incendiary*. On either side of the Hellespont his episcopal vigor imposed a rigid formulary of faith and discipline; a chronological error concerning the festival of Easter was punished as an offence against the church and state. Lydia and Caria, Sardes and Miletus, were purified with the blood of the obstinate Quartodecimans; and the edict of the emperor, or rather of the patriarch, enumerates three-and-twenty degrees and denominations in the guilt and punishment of heresy.<sup>21</sup> But the sword of persecution which Nestorius so furiously wielded was soon turned against his own breast. Religion was the pretence; but, in the judgment of a contemporary saint, ambition was the genuine motive of episcopal warfare.<sup>22</sup>

In the Syrian school, Nestorius had been taught to abhor the confusion of the two natures, and nicely to discriminate the humanity of his *master* Christ from the divinity of the *Lord* Jesus.<sup>23</sup> The Blessed Virgin he revered as the mother of Christ, but his ears were offended with the rash and

<sup>21</sup> Cod. Theodos. l. xvi. tit. v. leg. 65, with the illustrations of Baronius, (A. D. 428, No. 25, &c.,) Godefroy, (ad locum,) and Pagi, Critica, tom. ii. p. 208.)

<sup>22</sup> Isidore of Pelusium, (l. iv. Epist. 57.) His words are strong and scandalous — τί θαυμάζεις, εἰ καὶ νῦν περὶ πρᾶγμα θεῖον καὶ λόγον κρείττον διαφωνεῖν προσποιούνται ὑπὸ φιλαρχίας ἐκβαλενόμενοι. Isidore is a saint, but he never became a bishop; and I half suspect that the pride of Diogenes trampled on the pride of Plato.

<sup>23</sup> La Croze (Christianisme des Indes, tom. i. p. 44—53. Thesaurus Epistolicus, La Crozianus, tom. iii. p. 276—280) has detected the use of ὁ δασύτης and ὁ κυρίος Ἰησοῦς, which, in the ivth, vth, and viith centuries, discriminates the school of Diodorus of Tarsus and his Nestorian disciples.

recent title of mother of God,<sup>54</sup> which had been insensibly adopted since the origin of the Arian controversy. From the pulpit of Constantinople, a friend of the patriarch, and afterwards the patriarch himself, repeatedly preached against the use, or the abuse, of a word<sup>55</sup> unknown to the apostles, unauthorized by the church, and which could only tend to alarm the timorous, to mislead the simple, to amuse the profane, and to justify, by a seeming resemblance, the old genealogy of Olympus.<sup>56</sup> In his calmer moments Nestorius confessed, that it might be tolerated or excused by the union of the two natures, and the communication of their *idioms*:<sup>57</sup> but he was exasperated, by contradiction, to disclaim the worship of a new-born, an infant Deity, to draw his inadequate similes from the conjugal or civil partnerships of life, and to describe the manhood of Christ as the robe, the instrument, the tabernacle of his Godhead. At these blasphemous sounds, the pillars of the sanctuary were shaken. The unsuccessful competitors of Nestorius indulged their pious or personal resentment, the Byzantine clergy was secretly displeased with the intrusion of a stranger: whatever is superstitious or ab-

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<sup>54</sup> Θεοτόκος—*Deipara*; as in zoölogy we familiarly speak of oviparous and viviparous animals. It is not easy to fix the invention of this word, which La Croze (*Christianisme des Indes*, tom. i. p. 16) ascribes to Eusebius of Cæsarea and the Arians. The orthodox testimonies are produced by Cyril and Petavius, (*Dogmat. Theolog.* tom. v. l. v. c. 16, p. 254, &c.;) but the veracity of the saint is questionable, and the epithet of Θεοτόκος so easily slides from the margin to the text of a Catholic MS

<sup>55</sup> Basnage, in his *Histoire de l'Eglise*, a work of controversy, (tom. i. p. 505,) justifies the mother, by the blood, of God, (*Acts*, xx. 28, with Mill's various readings.) But the Greek MSS. are far from unanimous; and the primitive style of the blood of Christ is preserved in the Syriac version, even in those copies which were used by the Christians of St. Thomas on the coast of Malabar, (*La Croze*, *Christianisme des Indes*, tom. i. p. 347.) The jealousy of the Nestorians and Monophysites has guarded the purity of their text.

<sup>56</sup> The Pagans of Egypt already laughed at the new Cybele of the Christians, (*Isidor.* l. i. epist. 54;) a letter was forged in the name of Hypatia, to ridicule the theology of her assassin, (*Synodicon*, c. 216, in iv. tom. Concil. p. 484.) In the article of Nestorius, Bayle has scattered some loose philosophy on the worship of the Virgin Mary.

<sup>57</sup> The *διδόσεις* of the Greeks, a mutual loan or transfer of the idioms or properties of each nature to the other—of infinity to man, passibility to God, &c. Twelve rules on this nicest of subjects compose the Theological Grammar of Petavius, (*Dogmata Theolog.* tom. v. l. iv. c. 14, 15, p. 209, &c.)

surd, might claim the protection of the monks; and the people were interested in the glory of their virgin patroness." The sermons of the archbishop, and the service of the altar, were disturbed by seditious clamor; his authority and doctrine were renounced by separate congregations; every wind scattered round the empire the leaves of controversy; and the voice of the combatants on a sonorous theatre reëchoed in the cells of Palestine and Egypt. It was the duty of Cyril to enlighten the zeal and ignorance of his innumerable monks: in the school of Alexandria, he had imbibed and professed the incarnation of one nature; and the successor of Athanasius consulted his pride and ambition, when he rose in arms against another Arius, more formidable and more guilty, on the second throne of the hierarchy. After a short correspondence, in which the rival prelates disguised their hatred in the hollow language of respect and charity, the patriarch of Alexandria denounced to the prince and people, to the East and to the West, the damnable errors of the Byzantine pontiff. From the East, more especially from Antioch, he obtained the ambiguous counsels of toleration and silence, which were addressed to both parties while they favored the cause of Nestorius. But the Vatican received with open arms the messengers of Egypt. The vanity of Celestine was flattered by the appeal; and the partial version of a monk decided the faith of the pope, who with his Latin clergy was ignorant of the language, the arts, and the theology of the Greeks. At the head of an Italian synod, Celestine weighed the merits of the cause, approved the creed of Cyril, condemned the sentiments and person of Nestorius, degraded the heretic from his episcopal dignity, allowed a respite of ten days for recantation and penance, and delegated to his enemy the execution of this rash and illegal sentence. But the patriarch of Alexandria, while he darted the thunders of a god, exposed the errors and passions of a mortal; and his twelve anathemas<sup>22</sup> still torture the orthodox slaves, who adore the memory of a saint, without forfeiting their allegiance to the synod of Chalcedon. These bold assertions are indelibly tinged with the colors of the Apollinarian heresy; but the serious, and

<sup>22</sup> See Ducange, C. P. Christiana, l. i. p. 30, &c.

<sup>23</sup> Concil. tom. iii. p. 943. They have never been *directly* approved by the church, (Tillemont. Mém. Eccles. tom. xiv. p. 368—372.) I almost pity the agony of rage and sophistry with which Petavins seems to be agitated in the sixth book of his *Dogmata Theologica*.

perhaps the sincere professions of Nestorius have satisfied the wiser and less partial theologians of the present times.<sup>40</sup>

Yet neither the emperor nor the primate of the East were disposed to obey the mandate of an Italian priest; and a synod of the Catholic, or rather of the Greek church, was unanimously demanded as the sole remedy that could appease or decide this ecclesiastical quarrel.<sup>41</sup> Ephesus, on all sides accessible by sea and land, was chosen for the place, the festival of Pentecost for the day, of the meeting; a writ of summons was despatched to each metropolitan, and a guard was stationed to protect and confine the fathers till they should settle the mysteries of heaven, and the faith of the earth. Nestorius appeared not as a criminal, but as a judge; he depended on the weight rather than the number of his prelates, and his sturdy slaves from the baths of Zeuxippus were armed for every service of injury or defence. But his adversary Cyril was more powerful in the weapons both of the flesh and of the spirit. Disobedient to the letter, or at least to the meaning, of the royal summons, he was attended by fifty Egyptian bishops, who expected from their patriarch's nod the inspiration of the Holy Ghost. He had contracted an intimate alliance with Memnon, bishop of Ephesus. The despotic primate of Asia disposed of the ready succors of thirty or forty episcopal votes: a crowd of peasants, the slaves of the church, was poured into the city to support with blows and clamors a metaphysical argument; and the people zealously asserted the honor of the Virgin, whose body reposed within the walls of Ephesus.<sup>42</sup> The fleet which

<sup>40</sup> Such as the rational Basnage (ad tom. i. Variar. Lection. Canisii in Præfat. c. 2, p. 11—23) and La Croze, the universal scholar, (Christianisme des Indes, tom. i. p. 16—20. De l'Ethiopie, p. 26, 27. Thesaur. Epist. p. 176, &c., 283, 285.) His free sentence is confirmed by that of his friends Jablonski (Thesaur. Epist. tom. i. p. 193—201) and Mosheim, (idem. p. 304, Nestorium crimine caruisse est et mea sententia;) and three more respectable judges will not easily be found. Aseman, a learned and modest slave, can *hardly* discern (Bibliothec. Orient. tom. iv. p. 190—224) the guilt and error of the Nestorians.

<sup>41</sup> The origin and progress of the Nestorian controversy, till the synod of Ephesus, may be found in Socrates, (l. vii. c. 32.) Evagrius, (l. i. c. 1, 2.) Liberatus, (Brev. c. 1—4.) the original Acts, (Concil. tom. iii. p. 551—991, edit. Venice, 1728.) the Annals of Baronius and Pagi, and the faithful collections of Tillemont, (Mém. Eccles. tom. xiv. p. 283—377.)

<sup>42</sup> The Christians of the four first centuries were ignorant of the death and burial of Mary. The tradition of Ephesus is affirmed by

had transported Cyril from Alexandria was laden with the riches of Egypt; and he disembarked a numerous body of mariners, slaves, and fanatics, enlisted with blind obedience under the banner of St. Mark and the mother of God. The fathers, and even the guards, of the council were awed by this martial array; the adversaries of Cyril and Mary were insulted in the streets, or threatened in their houses; his eloquence and liberality made a daily increase in the number of his adherents; and the Egyptian soon computed that he might command the attendance and the voices of two hundred bishops.\* But the author of the twelve anathemas foresaw and dreaded the opposition of John of Antioch, who, with a small, but respectable, train of metropolitans and divines, was advancing by slow journeys from the distant capital of the East. Impatient of a delay, which he stigmatized as voluntary and culpable,† Cyril announced the opening of the synod sixteen days after the festival of Pentecost. Nestorius, who depended on the near approach of his Eastern friends, persisted, like his predecessor Chrysostom, to disclaim the jurisdiction, and to disobey the summons, of his enemies: they hastened his trial, and his accuser presided in the seat of judgment. Sixty-eight bishops, twenty-two of metropolitan rank, defended his cause by a modest and temperate protest: they were excluded from the councils of their brethren. Candidian, in the emperor's name, requested a delay of four days; the profane magistrate was driven with outrage and

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the synod, (*ἔλθα ὁ θεολόγος Ἰωάννης, καὶ ἡ θεωρίκος παρθένος ἡ ἁγία Μαρία*. Concil. tom. iii. p. 1102;) yet it has been superseded by the claim of Jerusalem; and her *empty* sepulchre, as it was shown to the pilgrims, produced the fable of her resurrection and assumption, in which the Greek and Latin churches have piously acquiesced. See Baronius (Annal. Eccles. A. D. 48, No. 6, &c.) and Tillemont, (Mém. Eccles. tom. i. p. 467—477.)

\* The Acts of Chalcedon (Concil. tom. iv. p. 1405, 1408) exhibit a lively picture of the blind, obstinate servitude of the bishops of Egypt to their patriarch.

† Civil or ecclesiastical business detained the bishops at Antioch till the 18th of May. Ephesus was at the distance of thirty days' journey; and ten days more may be fairly allowed for accidents and repose. The march of Xenophon over the same ground enumerates above 260 parasangs or leagues; and this measure might be illustrated from ancient and modern itineraries, if I knew how to compare the speed of an army, a synod, and a caravan. John of Antioch is reluctantly acquitted by Tillemont himself, (Mém. Eccles. tom. xiv. p. 336—339.)



insult from the assembly of the saints. The whole of this momentous transaction was crowded into the compass of a summer's day: the bishops delivered their separate opinions; but the uniformity of style reveals the influence or the hand of a master, who has been accused of corrupting the public evidence of their acts and subscriptions.<sup>45</sup> Without a dissenting voice, they recognized in the epistles of Cyril the Nicene creed and the doctrine of the fathers: but the partial extracts from the letters and homilies of Nestorius were interrupted by curses and anathemas: and the heretic was degraded from his episcopal and ecclesiastical dignity. The sentence, maliciously inscribed to the new Judas, was affixed and proclaimed in the streets of Ephesus: the weary prelates, as they issued from the church of the mother of God, were saluted as her champions; and her victory was celebrated by the illuminations, the songs, and the tumult of the night.

On the fifth day, the triumph was clouded by the arrival and indignation of the Eastern bishops. In a chamber of the inn, before he had wiped the dust from his shoes, John of Antioch gave audience to Candidian, the Imperial minister; who related his ineffectual efforts to prevent or to annul the hasty violence of the Egyptian. With equal haste and violence, the Oriental synod of fifty bishops degraded Cyril and Memnon from their episcopal honors, condemned, in the twelve anathemas, the purest venom of the Apollinarian heresy, and described the Alexandrian primate as a monster, born and educated for the destruction of the church.<sup>46</sup> His throne was distant and inaccessible; but they instantly resolved to bestow on the flock of Ephesus the blessing of a faithful shepherd. By the vigilance of Memnon, the churches were shut against them, and a strong garrison was thrown into the cathedral. The troops, under the command of Candidian, advanced to the assault; the outguards were routed and put to the sword, but the place was impregnable: the

<sup>45</sup> Μεμφόμενον μὴ κατὰ τὸ δέον τὰ ἐν Ἐφέσῳ συνετελεῖσθαι ἐπομνήματα, πανουργίᾳ δὲ καὶ τινὶ ἀθέστῃ καινοτομίᾳ Κυρίλλου τεχνάζοντος. Evagrius, l. i. c. 7. The same imputation was urged by Count Irenæus, (tom. iii. p. 1249;) and the orthodox critics do not find it an easy task to defend the purity of the Greek or Latin copies of the Acts.

<sup>46</sup> Ὁ δὲ ἐν δόλῳ τῶν ἐκκλησιῶν τεχνεῖς καὶ τραπεῖς. After the coalition of John and Cyril these invectives were mutually forgotten. The style of declamation must never be confounded with the genuine sense which respectable enemies entertain of each other's merit, (Conci. tom. iii. p. 1244.)

besiegers retired; their retreat was pursued by a vigorous sally; they lost their horses, and many of their soldiers were dangerously wounded with clubs and stones. Ephesus, the city of the Virgin, was defiled with rage and clamor, with sedition and blood; the rival synods darted anathemas and excommunications from their spiritual engines; and the court of Theodosius was perplexed by the adverse and contradictory narratives of the Syrian and Egyptian factions. During a busy period of three months, the emperor tried every method, except the most effectual means of indifference and contempt, to reconcile this theological quarrel. He attempted to remove or intimidate the leaders by a common sentence, of acquittal or condemnation; he invested his representatives at Ephesus with ample power and military force; he summoned from either party eight chosen deputies to a free and candid conference in the neighborhood of the capital, far from the contagion of popular frenzy. But the Orientals refused to yield, and the Catholics, proud of their numbers and of their Latin allies, rejected all terms of union or toleration. The patience of the meek Theodosius was provoked; and he dissolved in anger this episcopal tumult, which at the distance of thirteen centuries assumes the venerable aspect of the third oecumenical council.\* "God is my witness," said the pious prince, "that I am not the author of this confusion. His providence will discern and punish the guilty. Return to your provinces, and may your private virtues repair the mischief and scandal of your meeting." They returned to their provinces; but the same passions which had distracted the synod of Ephesus were diffused over the Eastern world. After three obstinate and equal campaigns, John of Antioch and Cyril of Alexandria condescended to explain and embrace: but their seeming reunion must be imputed rather to prudence than to reason, to the mutual lassitude rather than to the Christian charity of the patriarchs.

The Byzantine pontiff had instilled into the royal ear a baleful prejudice against the character and conduct of his

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\* See the acts of the synod of Ephesus in the original Greek, and a Latin version almost contemporary, (Concil. tom. iii. p. 991—1339, with the *Synodicon adversus Tragediam Irenæi*, tom. iv. p. 235—497,) the Ecclesiastical Histories of Socrates (l. vii. c. 34) and Evagrius, (l. i. c. 3. 4. 5,) and the Breviary of Liberatus, (in Concil. tom. vi. p. 419—459, c. 5, 6,) and the *Mémoires Eccles.* of Tillemont, (tom. xiv. p. 277—487.)

Egyptian rival. An epistle of menace and invective,<sup>44</sup> which accompanied the summons, accused him as a busy, insolent, and envious priest, who perplexed the simplicity of the faith, violated the peace of the church and state, and, by his artful and separate addresses to the wife and sister of Theodosius, presumed to suppose, or to scatter, the seeds of discord in the Imperial family. At the stern command of his sovereign, Cyril had repaired to Ephesus, where he was resisted, threatened, and confined, by the magistrates in the interest of Nestorius and the Orientals; who assembled the troops of Lydia and Ionia to suppress the fanatic and disorderly train of the patriarch. Without expecting the royal license, he escaped from his guards, precipitately embarked, deserted the imperfect synod, and retired to his episcopal fortress of safety and independence. But his artful emissaries, both in the court and city, successfully labored to appease the resentment, and to conciliate the favor, of the emperor. The feeble son of Arcadius was alternately swayed by his wife and sister, by the eunuchs and women of the palace: superstition and avarice were their ruling passions; and the orthodox chiefs were assiduous in their endeavors to alarm the former, and to gratify the latter. Constantinople and the suburbs were sanctified with frequent monasteries, and the holy abbots, Dalmatius and Eutyches,<sup>45</sup> had devoted their zeal and fidelity to the cause of Cyril, the worship of Mary, and the unity of Christ. From the first moment of their monastic life, they had never mingled with the world, or trod the profane ground of the city. But in this awful moment of the danger of the church, their vow was superseded by a more sublime and indispensable duty. At the head of a long order of monks and hermits, who carried burning tapers in their hands, and chanted litanies to the mother of God, they

<sup>44</sup> Ταραχὴν (says the emperor in pointed language) τὸ γὰρ ἐπὶ σαναῶ καὶ χωρισμῶν ταῖς ἐκκλησίαις ἐμβέβληκας . . . ὡς θρασυτέρας ὁρμῆς ἐρεπύσεως μᾶλλον ἢ ἀκριβείας . . . καὶ ποικιλίας μᾶλλον τούτων ἢ αὐτῶν ἀρεπύσεως ἢ περ ἀπλότητος . . . παντὸς μᾶλλον ἢ ἰέρεως . . . τὰ τε τῶν ἐκκλησιῶν, τὰ τε τῶν βασιλικῶν μέλλειν χωρίζειν βούλεσθαι, ὡς οὐκ οὐδὲς ἀφορμῆς ἐτέρας εὐδοκίμησεως. I should be curious to know how much Nestorius paid for these expressions, so mortifying to his rival.

<sup>45</sup> Eutyches, the heresiarch Eutyches, is honorably named by Cyril as a friend, a saint, and the strenuous defender of the faith. His brother, the abbot Dalmatius, is likewise employed to bind the emperor and all his chamberlains *terribili conjuratione*. Synodicon. c. 208, in Council tom. iv p. 467.

proceeded from their monasteries to the palace. The people was edified and inflamed by this extraordinary spectacle, and the trembling monarch listened to the prayers and adjurations of the saints, who boldly pronounced, that none could hope for salvation, unless they embraced the person and the creed of the orthodox successor of Athanasius. At the same time, every avenue of the throne was assaulted with gold. Under the decent names of *eulogies* and *benedictions*, the courtiers of both sexes were bribed according to the measure of their power and rapaciousness. But their incessant demands despoiled the sanctuaries of Constantinople and Alexandria; and the authority of the patriarch was unable to silence the just murmur of his clergy, that a debt of sixty thousand pounds had already been contracted to support the expense of this scandalous corruption.\* Pulcheria, who relieved her brother from the weight of an empire, was the firmest pillar of orthodoxy; and so intimate was the alliance between the thunders of the synod and the whispers of the court, that Cyril was assured of success if he could displace one eunuch, and substitute another in the favor of Theodosius. Yet the Egyptian could not boast of a glorious or decisive victory. The emperor, with unaccustomed firmness, adhered to his promise of protecting the innocence of the Oriental bishops; and Cyril softened his anathemas, and confessed, with ambiguity and reluctance, a twofold nature of Christ, before he was permitted to satiate his revenge against the unfortunate Nestorius.<sup>†</sup>

The rash and obstinate Nestorius, before the end of the synod, was oppressed by Cyril, betrayed by the court, and

\* Clerici qui hic sunt contristantur, quod ecclesia Alexandrina nudata sit hujus causâ turbellæ: et debet præter illa quæ hinc transmissa sint auri libras mille quingentas. Et nunc ei scriptum est ut præstet; sed de tuâ ecclesiâ præsta avaritiæ quorum nosti, &c. This curious and original letter, from Cyril's archdeacon to his creature the new bishop of Constantinople, has been unaccountably preserved in an old Latin version, (Synodicon, c. 203, Concil. tom. iv. p. 465—468.) The mask is almost dropped, and the saints speak the honest language of interest and confederacy.

† The tedious negotiations that succeeded the synod of Ephesus are diffusely related in the original acts, (Concil. tom. iii. p. 1339—1771, ad fin. vol. and the Synodicon, in tom. iv.,) Socrates, (l. vii. c. 28, 35, 40, 41,) Evagrius, (l. i. c. 6, 7, 8, 12,) Liberatus, (c. 7—10,) Tillemont, (Mém. Ecclés. tom. xiv. p. 487—676.) The most patient reader will thank me for compressing so much nonsense and falsehood in a few lines.

faintly supported by his Eastern friends. A sentiment of fear or indignation prompted him, while it was yet time, to affect the glory of a voluntary abdication: "his wish, or at least his request, was readily granted; he was conducted with honor from Ephesus to his old monastery of Antioch; and, after a short pause, his successors, Maximian and Proclus, were acknowledged as the lawful bishops of Constantinople. But in the silence of his cell, the degraded patriarch could no longer resume the innocence and security of a private monk. The past he regretted, he was discontented with the present, and the future he had reason to dread: the Oriental bishops successively disengaged their cause from his unpopular name, and each day decreased the number of the schismatics who revered Nestorius as the confessor of the faith. After a residence at Antioch of four years, the hand of Theodosius subscribed an edict," which ranked him with Simon the magician, proscribed his opinions and followers, condemned his writings to the flames, and banished his person first to Petra, in Arabia, and at length to Oasis, one of the islands of the Libyan desert." Secluded from the church

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<sup>55</sup> Ἀπό τὴν αὐτῆς ἀποθήκης, ἐκτεράπη κατὰ τὸ εἰκτεῖον ἐκναυρῶσαι μοναστήριον. Evagrius, l. i. c. 7. The original letters in the Synodicon (c. 15, 24, 25, 26) justify the appearance of a voluntary resignation, which is asserted by Ebed-Jesu, a Nestorian writer, apud Asseman. Biblioth. Oriental. tom. iii. p. 299, 302.

<sup>56</sup> See the Imperial letters in the Acts of the Synod of Ephesus, (Concil. tom. iii. p. 1730—1735.) The odious name of *Simonians*, which was affixed to the disciples of this τερατώδους διδασκαλίας, was designed ὡς δι' οὐκ εἰδέναι προβληθέντες αἰώνιον ἐπομένον τιμωρίαν τῶν ἀμαρτημάτων, καὶ μήτε ζώντας τιμωρίας, μήτε θανόντας ἀτιμίας ἐκτὸς ὑπάρχειν. Yet these were Christians! who differed only in names and in shadows.

<sup>57</sup> The metaphor of islands is applied by the grave civilians (Pandect. l. xlviii. tit. 22, leg. 7) to those happy spots which are discriminated by water and verdure from the Libyan sands. Three of these under the common name of Oasis, or Alvahat: 1. The temple of Jupiter Ammon. 2. The middle Oasis, three days' journey to the west of Lycopolis. 3. The southern, where Nestorius was banished in the first climate, and only three days' journey from the confines of Nubia. See a learned note of Michaelis, (ad Descript. Ægypt. Abulfedæ, p. 21—34.)\*

\* 1. The Oasis of Sivah has been visited by Mons. Drovetti and Mr. Browne. 2. The little Oasis, that of El Kassar, was visited and described by Belzoni. 3. The great Oasis, and its splendid ruins, have been well described in the travels of Sir A. Edmonstone. To these must be added another Western Oasis, also visited by Sir A. Edmonstone.—M.

and from the world, the exile was still pursued by the rage of bigotry and war. A wandering tribe of the Blemmyes or Nubians invaded his solitary prison: in their retreat they dismissed a crowd of useless captives: but no sooner had Nestorius reached the banks of the Nile, than he would gladly have escaped from a Roman and orthodox city, to the milder servitude of the savages. His flight was punished as a new crime: the soul of the patriarch inspired the civil and ecclesiastical powers of Egypt; the magistrates, the soldiers, the monks, devoutly tortured the enemy of Christ and St. Cyril; and, as far as the confines of Ethiopia, the heretic was alternately dragged and recalled, till his aged body was broken by the hardships and accidents of these reiterated journeys. Yet his mind was still independent and erect; the president of Thebais was awed by his pastoral letters; he survived the Catholic tyrant of Alexandria, and, after sixteen years' banishment, the synod of Chalcedon would perhaps have restored him to the honors, or at least to the communion, of the church. The death of Nestorius prevented his obedience to their welcome summons; and his disease might afford some color to the scandalous report, that his tongue, the organ of blasphemy, had been eaten by the worms. He was buried in a city of Upper Egypt, known by the names of Chemnis, or Panopolis, or Akmin; but the immortal malice of the Jacobites has persevered for ages to cast stones against his sepulchre, and to propagate the foolish tradition, that it was never watered by the rain of heaven, which equally descends on the righteous and the ungodly.\*

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\* The invitation of Nestorius to the synod of Chalcedon, is related by Zacharias, bishop of Melitene (Evagrius, l. ii. c. 2. Asseman. Biblioth. Orient. tom. ii. p. 55,) and the famous Xenaias or Philoxenus, bishop of Hierapolis, (Asseman. Biblioth. Orient. tom. ii. p. 40, &c.) denied by Evagrius and Asseman, and stoutly maintained by La Croze, (Thesaur. Epistol. tom. iii. p. 181, &c.) The fact is not improbable; yet it was the interest of the Monophysites to spread the invidious report, and Eutychius (tom. ii. p. 12) affirms, that Nestorius died after an exile of seven years, and consequently ten years before the synod of Chalcedon.

\*\* Consult D'Anville, (Mémoire sur l'Égypte, p. 191.) Pocock (Description of the East, vol. i. p. 76,) Abulfeda, Descript. Ægypt, p. 14,) and his commentator Michaelis, (Not. p. 78—83,) and the Nubian Geographer, (p. 42.) who mentions, in the xiii century, the ruins and the sugar-canes of Akmin.

\*\* Eutychius (Annal. tom. ii. p. 12) and Gregory Bar-Hebraeus, or Abulpharagius, (Asseman, tom. ii. p. 316,) represent the credulity of the xi<sup>th</sup> and xiii<sup>th</sup> centuries.

Humanity may drop a tear on the fate of Nestorius; yet justice must observe, that he suffered the persecution which he had approved and inflicted."

The death of the Alexandrian primate, after a reign of thirty-two years, abandoned the Catholics to the intemperance of zeal and the abuse of victory." The *monophysite* doctrine (one incarnate nature) was rigorously preached in the churches of Egypt and the monasteries of the East; the primitive creed of Apollinarius was protected by the sanctity of Cyril; and the name of EUTYCHES, his venerable friend, has been applied to the sect most adverse to the Syrian heresy of Nestorius. His rival Eutyches was the abbot, or archimandrite, or superior of three hundred monks, but the opinions of a simple and illiterate recluse might have expired in the cell, where he had slept above seventy years, if the resentment or indiscretion of Flavian, the Byzantine pontiff, had not exposed the scandal to the eyes of the Christian world. His domestic synod was instantly convened, their proceedings were sullied with clamor and artifice, and the aged heretic was surprised into a seeming confession, that Christ had not derived his body from the substance of the Virgin Mary. From their partial decree, Eutyches appealed to a general council; and his cause was vigorously asserted by his godson Chrysaphius, the reigning eunuch of the palace, and his accomplice Dioscorus, who had succeeded to the throne, the creed, the talents, and the vices, of the nephew of Theophilus. By the special summons of Theodosius, the second synod of Ephesus was judiciously composed of ten metropolitans and ten bishops from each of the six dioceses of the Eastern empire: some exceptions of favor or merit enlarged the number to one hundred and thirty-five; and the Syrian Barsumas, as the chief and representative of the monks, was invited to sit and vote with the successors of the

" We are obliged to Evagrius (l. i. c. 7) for some extracts from the letters of Nestorius; but the lively picture of his sufferings is treated with insult by the hard and stupid fanatic.

" Dixi Cyrillum dum viveret, auctoritate sua effecisse, ne Eutychanismus et Monophysitarum error in nervum erumperet: idque verum puto . . . aliquo . . . honesto modo παλινοδία cecinerat. The learned but cautious Jablonski did not always speak the whole truth. Cum Cyrillo lenius omnino egi, quam si tecum aut cum aliis rei hujus probe gnaris et æquis rerum æstimatoribus sermones privatos conferrem, (Thesaur. Epistol. La Crozian. tom. i. p. 197, 198.) an excellent key to his dissertations on the Nestorian controversy!

apostles. But the despotism of the Alexandrian patriarch again oppressed the freedom of debate: the same spiritual and carnal weapons were again drawn from the arsenals of Egypt: the Asiatic veterans, a band of archers, served under the orders of Dioscorus; and the more formidable monks, whose minds were inaccessible to reason or mercy, besieged the doors of the cathedral. The general, and, as it should seem, the unconstrained voice of the fathers, accepted the faith and even the anathemas of Cyril; and the heresy of the two natures was formally condemned in the persons and writings of the most learned Orientals. "May those who divide Christ be divided with the sword, may they be hewn in pieces, may they be burned alive!" were the charitable wishes of a Christian synod.<sup>60</sup> The innocence and sanctity of Eutyches were acknowledged without hesitation; but the prelates, more especially those of Thrace and Asia, were unwilling to depose their patriarch for the use or even the abuse of his lawful jurisdiction. They embraced the knees of Dioscorus, as he stood with a threatening aspect on the footstool of his throne, and conjured him to forgive the offences, and to respect the dignity, of his brother. "Do you mean to raise a sedition?" exclaimed the relentless tyrant. "Where are the officers?" At these words a furious multitude of monks and soldiers, with staves, and swords, and chains, burst into the church; the trembling bishops hid themselves behind the altar, or under the benches, and as they were not inspired with the zeal of martyrdom, they successively subscribed a blank paper, which was afterwards filled with the condemnation of the Byzantine pontiff. Flavian was instantly delivered to the wild beasts of this spiritual amphitheatre: the monks were stimulated by the voice and example of Barsumas to avenge the injuries of Christ: it is said that the patriarch of Alexandria reviled, and buffeted, and kicked, and trampled his brother of Constantinople:<sup>61</sup> it

<sup>60</sup> Ἡ ἅγια σύνοδος εἶπεν, ἄρον, καθσον Εὐθείσιον, οὗτος ζῶν καὶ, οὗτος, αἰς δύο γίνηται, ὡς ἐμέρισε, μερισθῇ . . . εἰ τις λέγει δύο, ἀνάθεμα. At the request of Dioscorus, those who were not able to roar, (βοῶσαι) stretched out their hands. At Chalcedon, the Orientals disclaimed these exclamations: but the Egyptians more consistently declared ταῦτα καὶ τότε εἶπομεν καὶ νῦν λέγομεν, (Concil. tom. iv. p. 1012.)

<sup>61</sup> Ἐλεγε δὲ (Eusebius, bishop of Dorylæum) τὸν Φλαβιανὸν τε διηλαίως ἀναιρεθῆναι πρὸς Διοσκορον ὀδοῦμένῳ τε καὶ λακτιζόμενῳ: and this testimony of Evagrius (l. ii. c. 2) is amplified by the historian



is certain, that the victim, before he could reach the place of his exile, expired on the third day of the wounds and bruises which he had received at Ephesus. This second synod has been justly branded as a gang of robbers and assassins; yet the accusers of Dioscorus would magnify his violence, to alleviate the cowardice and inconstancy of their own behavior.

The faith of Egypt had prevailed: but the vanquished party was supported by the same pope who encountered without fear the hostile rage of Attila and Genseric. The theology of Leo, his famous *tome* or epistle on the mystery of the incarnation, had been disregarded by the synod of Ephesus: his authority, and that of the Latin church, was insulted in his legates, who escaped from slavery and death to relate the melancholy tale of the tyranny of Dioscorus and the martyrdom of Flavian. His provincial synod annulled the irregular proceedings of Ephesus; but as this step was itself irregular, he solicited the convocation of a general council in the free and orthodox provinces of Italy. From his independent throne, the Roman bishop spoke and acted without danger as the head of the Christians, and his dictates were obsequiously transcribed by Placidia and her son Valentinian; who addressed their Eastern colleague to restore the peace and unity of the church. But the pageant of Oriental royalty was moved with equal dexterity by the hand of the eunuch; and Theodosius could pronounce, without hesitation, that the church was already peaceful and triumphant, and that the recent flame had been extinguished by the just punishment of the Nestorians. Perhaps the Greeks would be still involved in the heresy of the Monophysites, if the emperor's horse had not fortunately stumbled; Theodosius expired; his orthodox sister Pulcheria, with a nominal husband, succeeded to the throne; Chrysaphius was burnt, Dioscorus was disgraced, the exiles were recalled, and the *tome* of Leo was subscribed by the Oriental bishops. Yet the pope was disappointed in his favorite project of a Latin council: he disdained to preside in the Greek synod, which was

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Zonaras, (tom. ii. l. xiii. p. 44.) who affirms that Dioscorus kicked like a wild ass. But the language of Liberatus (Brev. c. 12, in Concil. tom. vi. p. 438) is more cautious; and the Acts of Chalcedon, which lavish the names of *homicide*, *Cain*, &c., do not justify so pointed a charge. The monk Barsumas is more particularly accused—*ἰσοῦσε τὸν πατριῶν Φελαπιδὸν αὐτὸς ἑταῖρος καὶ Πρεσβ. ἀπάγων*, (Concil. tom. iv. p. 141A.)

speedily assembled at Nice in Bithynia; his legates required in a peremptory tone the presence of the emperor; and the weary fathers were transported to Chalcedon under the immediate eye of Marcian and the senate of Constantinople. A quarter of a mile from the Thracian Bosphorus, the church of St. Euphemia was built on the summit of a gentle though lofty ascent: the triple structure was celebrated as a prodigy of art, and the boundless prospect of the land and sea might have raised the mind of a sectary to the contemplation of the God of the universe. Six hundred and thirty bishops were ranged in order in the nave of the church; but the patriarchs of the East were preceded by the legates, of whom the third was a simple priest; and the place of honor was reserved for twenty laymen of consular or senatorian rank. The gospel was ostentatiously displayed in the centre, but the rule of faith was defined by the Papal and Imperial ministers, who moderated the thirteen sessions of the council of Chalcedon.<sup>22</sup> Their partial interposition silenced the intemperate shouts and execrations, which degraded the episcopal gravity; but, on the formal accusation of the legates, Dioscorus was compelled to descend from his throne to the rank of a criminal, already condemned in the opinion of his judges. The Orientals, less adverse to Nestorius than to Cyril, accepted the Romans as their deliverers: Thrace, and Pontus, and Asia, were exasperated against the murderer of Flavian, and the new patriarchs of Constantinople and Antioch secured their places by the sacrifice of their benefactor. The bishops of Palestine, Macedonia, and Greece, were attached to the faith of Cyril; but in the face of the synod, in the heat of the battle, the leaders, with their obsequious train, passed from the right to the left wing, and decided the victory by this seasonable desertion. Of the seventeen suffragans who sailed from Alexandria, four were tempted from their allegiance, and the

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<sup>22</sup> The Acts of the Council of Chalcedon (Concil. tom. iv. p. 761—2071) comprehend those of Ephesus, (p. 890—1189,) which again comprise the synod of Constantinople under Flavian, (p. 930—1072;) and it requires some attention to disengage this double involution. The whole business of Eutyches, Flavian, and Dioscorus, is related by Evagrius (l. i. c. 9—12, and l. ii. c. 1, 2, 3, 4,) and Liberatus, (Brev. c. 11, 12, 13, 14.) Once more, and almost for the last time, I appeal to the diligence of Tillemont, (Mém. Ecclési. tom. xv. p. 479—719.) The *Annals* of Baronius and Pagi will accompany me much further on my long and laborious journey.

thirteen, falling prostrate on the ground, implored the mercy of the council, with sighs and tears, and a pathetic declaration, that, if they yielded, they should be massacred, on their return to Egypt, by the indignant people. A tardy repentance was allowed to expiate the guilt or error of the accomplices of Dioscorus: but their sins were accumulated on his head; he neither asked nor hoped for pardon, and the moderation of those who pleaded for a general amnesty was drowned in the prevailing cry of victory and revenge. To save the reputation of his late adherents, some *personal* offences were skilfully detected; his rash and illegal excommunication of the pope, and his contumacious refusal (while he was detained a prisoner) to attend to the summons of the synod. Witnesses were introduced to prove the special facts of his pride, avarice, and cruelty; and the fathers heard with abhorrence, that the alms of the church were lavished on the female dancers, that his palace, and even his bath, was open to the prostitutes of Alexandria, and that the infamous Pansophia, or Irene, was publicly entertained as the concubine of the patriarch.<sup>22</sup>

For these scandalous offences, Dioscorus was deposed by the synod, and banished by the emperor; but the purity of his faith was declared in the presence, and with the tacit approbation, of the fathers. Their prudence supposed rather than pronounced the heresy of Eutyches, who was never summoned before their tribunal; and they sat silent and abashed, when a bold Monophysite casting at their feet a volume of Cyril, challenged them to anathematize in his person the doctrine of the saint. If we fairly peruse the acts of Chalcedon as they are recorded by the orthodox party,<sup>23</sup> we shall

<sup>22</sup> Μάλιστα ἡ περιβήτος Πανσοφία, ἡ καλουμένη Ὀρεινὴ, (perhaps Εἰρηνή,) περὶ ἧς καὶ ὁ πολυάνθρωπος τῆς Ἀλεξανδρείας δῆμος ἀφῆκε φωνὴν, αὐτῆς τε καὶ τοῦ ἐραστοῦ μνηνόμενος, (Concil. tom. iv. p. 1276.) A specimen of the wit and malice of the people is preserved in the Greek Anthology, (l. ii. c. 5, p. 188, edit. Wechel,) although the application was unknown to the editor Brodæus. The nameless epigrammatist raises a tolerable pun, by confounding the episcopal salutation of "Peace be to all!" with the genuine or corrupted name of the bishop's concubine:

Εἰρήνη πάντοισιν, ἐπίσκοπος εἶπεν ἐκελθών,  
Πῶς δύναται πᾶσιν, ἂν μόνος ἐξὸν ἔχει;

I am ignorant whether the patriarch, who seems to have been a jealous lover, is the Cimon of a preceding epigram, whose *πῶς ἐσθνος* was viewed with envy and wonder by Priapus himself.

<sup>23</sup> Those who reverence the infallibility of synods, may try to ascer-

the rising generations of the faithful imbibed their theological idiom: they studied in the Syriac version the ten thousand volumes of Theodore of Mopsuestia; and they revered the apostolic faith and holy martyrdom of his disciple Nestorius, whose person and language were equally unknown to the nations beyond the Tigris. The first indelible lesson of Ibas, bishop of Edessa, taught them to execrate the *Egyptians*, who, in the synod of Ephesus, had impiously confounded the two natures of Christ. The flight of the masters and scholars, who were twice expelled from the Athens of Syria, dispersed a crowd of missionaries inflamed by the double zeal of religion and revenge. And the rigid unity of the Monophysites, who, under the reigns of Zeno and Anastasius, had invaded the thrones of the East, provoked their antagonists, in a land of freedom, to avow a moral, rather than a physical, union of the two persons of Christ. Since the first preaching of the gospel, the Sassanian kings beheld with an eye of suspicion a race of aliens and apostates, who had embraced the religion, and who might favor the cause, of the hereditary foes of their country. The royal edicts had often prohibited their dangerous correspondence with the Syrian clergy: the progress of the schism was grateful to the jealous pride of Perozes, and he listened to the eloquence of an artful prelate, who painted Nestorius as the friend of Persia, and urged him to secure the fidelity of his Christian subjects, by granting a just preference to the victims and enemies of the Roman tyrant. The Nestorians composed a large majority of the clergy and people: they were encouraged by the smile, and armed with the sword, of despotism; yet many of their weaker brethren were startled at the thought of breaking loose from the communion of the Christian world, and the blood of seven thousand seven hundred Monophysites, or Catholics, confirmed the uniformity of faith and discipline in the churches of Persia.<sup>116</sup> Their eccle-

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noticed this Persian school of Edessa. Its ancient splendor, and the two æras of its downfall, (A. D. 431 and 489) are clearly discussed by Assemani, (*Biblioth. Orient.* tom. ii. p. 402, iii. p. 376, 378, iv. p. 70, 924.)

<sup>116</sup> A dissertation on the state of the Nestorians has swelled in the hands of Assemani to a folio volume of 950 pages, and his learned researches are digested in the most lucid order. Besides this ivth volume of the *Bibliotheca Orientalis*, the extracts in the three preceding tomes (tom. i. p. 203, ii. p. 321—463, iii. 64—70, 378—395, &c., 405—408, 580—589) may be usefully consulted.

was imposed on the reluctant assembly. In the name of the fourth general council, the Christ in one person, but in two natures, was announced to the Catholic world: an invisible line was drawn between the heresy of Apollinarius and the faith of St. Cyril; and the road to paradise, a bridge as sharp as a razor, was suspended over the abyss by the master-hand of the theological artist. During ten centuries of blindness and servitude, Europe received her religious opinions from the oracle of the Vatican; and the same doctrine, already varnished with the rust of antiquity, was admitted without dispute into the creed of the reformers, who disclaimed the supremacy of the Roman pontiff. The synod of Chalcedon still triumphs in the Protestant churches; but the ferment of controversy has subsided, and the most pious Christians of the present day are ignorant, or careless, of their own belief concerning the mystery of the incarnation.

Far different was the temper of the Greeks and Egyptians under the orthodox reigns of Leo and Marcian. Those pious emperors enforced with arms and edicts the symbol of their faith; and it was declared by the conscience or honor of five hundred bishops, that the decrees of the synod of Chalcedon might be lawfully supported, even with blood. The Catholics observed with satisfaction, that the same synod was odious both to the Nestorians and the Monophysites; but the Nestorians were less angry, or less powerful, and the East was distracted by the obstinate and sanguinary zeal of the Monophysites. Jerusalem was occupied by an army of monks; in the name of the one incarnate nature, they pillaged, they burnt, they murdered; the sepulchre of Christ was defiled

<sup>67</sup> See, in the Appendix to the Acts of Chalcedon, the confirmation of the Synod by Marcian, (Concil. tom. iv. p. 1781, 1783;) his letters to the monks of Alexandria, (p. 1791,) of Mount Sinai, (p. 1798,) of Jerusalem and Palestine, (p. 1798;) his laws against the Eutychians, (p. 1809, 1811, 1831;) the correspondence of Leo with the provincial synods on the revolution of Alexandria, (p. 1835-1930.)

<sup>68</sup> Photius (or rather Eulogius of Alexandria) confesses, in a fine passage, the specious color of this double charge against Pope Leo and his synod of Chalcedon, (Biblot. cod. ccxv. p. 768.) He waged a double war against the enemies of the church, and wounded either too with the darts of his adversary—καταλλήλοις βέλει τοὺς ἀντιπάλους ἰστρώσει. Against Nestorius he seemed to introduce the σύγχυσις of the Monophysites; against Eutyches he appeared to countenance the ἑσπέραι αὐτῶν διάφορα of the Nestorians. The apologist claims a charitable interpretation for the saints: if the same had been extended to the heretics, the sound of the controversy would have been lost in the air

with blood : and the gates of the city were guarded in tumultuous rebellion against the troops of the emperor. After the disgrace and exile of Dioscorus, the Egyptians still regretted their spiritual father ; and detested the usurpation of his successor, who was introduced by the fathers of Chalcedon. The throne of Proterius was supported by a guard of two thousand soldiers : he waged a five years' war against the people of Alexandria ; and on the first intelligence of the death of Marcian, he became the victim of their zeal. On the third day before the festival of Easter, the patriarch was besieged in the cathedral, and murdered in the baptistery. The remains of his mangled corpse were delivered to the flames, and his ashes to the wind ; and the deed was inspired by the vision of a pretended angel : an ambitious monk, who, under the name of Timothy the Cat,<sup>66</sup> succeeded to the place and opinions of Dioscorus. This deadly superstition was inflamed, on either side, by the principle and the practice of retaliation : in the pursuit of a metaphysical quarrel, many thousands<sup>67</sup> were slain, and the Christians of every degree were deprived of the substantial enjoyments of social life, and of the invisible gifts of baptism and the holy communion. Perhaps an extravagant fable of the times may conceal an allegorical picture of these fanatics, who tortured each other and themselves. "Under the consulship of Venantius and Celer," says a grave bishop, "the people of Alexandria, and all Egypt, were seized with a strange and diabolical frenzy : great and small, slaves and freedmen, monks and clergy, the natives of the land, who opposed the synod of Chalcedon, lost their speech and reason, barked like dogs, and tore, with their own teeth the flesh from their hands and arms."<sup>68</sup>

The disorders of thirty years at length produced the famous *Henoticon*<sup>69</sup> of the emperor Zeno, which in his reign, and in that of Anastasius, was signed by all the bishops of the

<sup>66</sup> *Αἰλουρος*, from his nocturnal expeditions. In darkness and disguise he crept round the cells of the monastery, and whispered the revelation to his slumbering brethren, (Theodor. Lector. l. i.)

<sup>67</sup> *Φόνους τε πολυμήθηναι μυρίους, αἱμάτων πλήθει μολυνθῆναι μη μένος τῆς γῆς ἀλλὰ καὶ σῶτον τὸν ἔσχα.* Such is the hyperbolic language of the *Henoticon*.

<sup>68</sup> See the Chronicle of Victor Tunnunensis, in the *Lectiones Antiquæ* of Canisius, republished by Basnage, tom. 326.

<sup>69</sup> The *Henoticon* is transcribed by Evagrius, (l. iii. c. 13,) and translated by Liberatus, (Brev. c. 18.) Pagi (*Critica*, tom. ii. p. 411) and Isaacman (*Bibliot. Orient.* tom. i. p. 343) are satisfied that it is free

fast, under the penalty of degradation and exile, if they rejected or infringed this salutary and fundamental law. The clergy may smile or groan at the presumption of a layman who defines the articles of faith; yet if he stoops to the humiliating task, his mind is less infected by prejudice or interest, and the authority of the magistrate can only be maintained by the concord of the people. It is in ecclesiastical story, that Zeno appears least contemptible; and I am not able to discern any Manichean or Eutychian guilt in the generous saying of Anastasius, That it was unworthy of an emperor to persecute the worshippers of Christ and the citizens of Rome. The Henoticon was most pleasing to the Egyptians; yet the smallest blemish has not been described by the jealous, and even jaundiced eyes of our orthodox schoolmen, and it accurately represents the Catholic faith of the incarnation, without adopting or disclaiming the peculiar terms or tenets of the hostile sects. A solemn anathema is pronounced against Nestorius and Eutyches; against all heretics by whom Christ is divided, or confounded, or reduced to a phantom. Without defining the number or the article of the word *nature*, the pure system of St. Cyril, the faith of Nice, Constantinople, and Ephesus, is respectfully confirmed; but, instead of bowing at the name of the fourth council, the subject is dismissed by the censure of all contrary doctrines, *if* any such have been taught either elsewhere or at Chalcedon. Under this ambiguous expression, the friends and the enemies of the last synod might unite in a silent embrace. The most reasonable Christians acquiesced in this mode of toleration; but their reason was feeble and inconstant, and their obedience was despised as timid and servile by the vehement spirit of their brethren. On a subject which engrossed the thoughts and discourses of men, it was difficult to preserve an exact neutrality; a book, a sermon, a prayer, rekindled the flame of controversy; and the bonds of communion were alternately broken and renewed by the private animosity of the bishops. The space between Nestorius and Eutyches was filled by a thousand shades of language and opinion; the *acephali*<sup>79</sup> of Egypt, and the Roman pontiffs, of equal valor, though of unequal strength, may be

from heresy; but Petavius (Dogmat. Theolog. tom. v. l. i. c. 13, p. 40) most unaccountably affirms Chalcedonensem ascivit. An adversary would prove that he had never read the Henoticon.

<sup>79</sup> See Renaudot, (Hist. Patriarch. Alex. p. 123. 131, 145, 195, 247.) They were reconciled by the care of Mark I. (A. D. 799—819:) he

found at the two extremities of the theological scale. The acephali, without a king or a bishop, were separated above three hundred years from the patriarchs of Alexandria, who had accepted the communion of Constantinople, without exacting a formal condemnation of the synod of Chalcedon. For accepting the communion of Alexandria, without a formal approbation of the same synod, the patriarchs of Constantinople were anathematized by the popes. Their inflexible despotism involved the most orthodox of the Greek churches in this spiritual contagion, denied or doubted the validity of their sacraments," and fomented, thirty-five years, the schism of the East and West, till they finally abolished the memory of four Byzantine pontiffs, who had dared to oppose the supremacy of St. Peter." Before that period, the precarious truce of Constantinople and Egypt had been violated by the zeal of the rival prelates. Macedonius, who was suspected of the Nestorian heresy, asserted, in disgrace and exile, the synod of Chalcedon, while the successor of Cyril would have purchased its overthrow with a bribe of two thousand pounds of gold.

In the fever of the times, the sense, or rather the sound of a syllable, was sufficient to disturb the peace of an empire. The TRISAGION" (thrice holy,) "Holy, holy, holy, Lord God of Hosts!" is supposed, by the Greeks, to be the iden-

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promoted their chiefs to the bishoprics of Athribis and Talba, (perhaps Tava. See D'Anville, p. 82,) and supplied the sacraments, which had failed for want of an episcopal ordination.

" De his quos baptizavit, quos ordinavit Acacius, majorum traditione confectam et veram, præcipue religiosæ sollicitudini congruam præbemus sine difficultate medicinam, (Galacius, in epist. i. ad Euphemium, Concil. tom. v. 286.) The offer of a medicine proves the disease, and numbers must have perished before the arrival of the Roman physician. Tillemont himself (Mém. Ecclés. tom. xvi. p. 372, 642, &c.) is shocked at the proud, uncharitable temper of the popes; they are now glad, says he, to invoke St. Flavian of Antioch, St. Elias of Jerusalem, &c., to whom they refused communion whilst upon earth. But Cardinal Baronius is firm and hard as the rock of St. Peter.

" Their names were erased from the diptych of the church: ex venerabili diptycho, in quo piæ memoriæ transitum ad cælum habentium episcoporum vocabula continentur, (Concil. tom. iv. p. 1846.) This ecclesiastical record was therefore equivalent to the book of life.

" Petavius (Dogmat. Theolog. tom. v. l. v. c. 2, 3, 4, p. 217—225) and Tillemont (Mém. Ecclés. tom. xiv. p. 713, &c. 799) represent the history and doctrine of the Trisagion. In the twelve centuries between Isaiah and St. Proculus's boy, who was taken up into heaven before the bishop and people of Constantinople, the song was consider-



tical hymn which the angels and cherubim eternally repeat before the throne of God, and which, about the middle of the fifth century, was miraculously revealed to the church of Constantinople. The devotion of Antioch soon added, "who was crucified for us!" and this grateful address, either to Christ alone, or to the whole Trinity, may be justified by the rules of theology, and has been gradually adopted by the Catholics of the East and West. But it had been imagined by a Monophysite bishop;" the gift of an enemy was at first rejected as a dire and dangerous blasphemy, and the rash innovation had nearly cost the emperor Anastasius his throne and his life." The people of Constantinople was devoid of any rational principles of freedom; but they held, as a lawful cause of rebellion, the color of a livery in the races, or the color of a mystery in the schools. The Trisagion, with and without this obnoxious addition, was chanted in the cathedral by two adverse choirs, and when their lungs were exhausted, they had recourse to the more solid arguments of sticks and stones; the aggressors were punished by the emperor, and defended by the patriarch; and the crown and mitre were staked on the event of this momentous quarrel. The streets were instantly crowded with innumerable swarms of men, women, and children; the legions of monks, in regular array, marched, and shouted, and fought at their head, "Christians! this is the day of martyrdom: let us not desert our spiritual father; anathema to the Manichæan tyrant! he is unworthy to reign." Such was the Catholic cry; and the galleys of Anastasius lay upon their oars before the palace, till the patriarch had pardoned his penitent, and hushed the waves of the troubled multitude. The triumph of Macedonius was checked by a speedy exile; but the zeal of his flock was again exasperated by the same question, "Whether one of the Trinity had been crucified?" On this momentous occasion, the blue

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ably improved. The boy heard the angels sing, "Holy God! Holy strong! Holy immortal!"

<sup>77</sup> Peter Gnapheus, the *fuller*, (a trade which he had exercised in his monastery,) patriarch of Antioch. His tedious story is discussed in the Annals of Pagi (A. D. 477—490) and a dissertation of M. de Valois at the end of his Evagrius.

<sup>78</sup> The troubles under the reign of Anastasius must be gathered from the Chronicles of Victor, Marcellinus, and Theophanes. As the last was not published in the time of Baronius, his critic Pagi is more copious, as well as more correct.

and green factions of Constantinople suspended their discord, and the civil and military powers were annihilated in their presence. The keys of the city, and the standards of the guards, were deposited in the forum of Constantine, the principal station and camp of the faithful. Day and night they were incessantly busied either in singing hymns to the honor of their God, or in pillaging and murdering the servants of their prince. The head of his favorite monk, the friend, as they styled him, of the enemy of the Holy Trinity, was borne aloft on a spear; and the firebrands, which had been darted against heretical structures, diffused the undistinguishing flames over the most orthodox buildings. The statues of the emperor were broken, and his person was concealed in a suburb, till, at the end of three days, he dared to implore the mercy of his subjects. Without his diadem, and in the posture of a suppliant, Anastasius appeared on the throne of the circus. The Catholics, before his face, rehearsed their genuine Trisagion; they exulted in the offer, which he proclaimed by the voice of a herald, of abdicating the purple; they listened to the admonition, that, since *all* could not reign, they should previously agree in the choice of a sovereign; and they accepted the blood of two unpopular ministers, whom their master, without hesitation, condemned to the lions. These furious but transient seditions were encouraged by the success of Vitalian, who, with an army of Huns and Bulgarians, for the most part idolaters, declared himself the champion of the Catholic faith. In this pious rebellion he depopulated Thrace, besieged Constantinople, exterminated sixty-five thousand of his fellow-Christians, till he obtained the recall of the bishops, the satisfaction of the pope, and the establishment of the council of Chalcedon, an orthodox treaty, reluctantly signed by the dying Anastasius, and more faithfully performed by the uncle of Justinian. And such was the event of the *first* of the religious wars which have been waged in the name, and by the disciples, of the God of peace.<sup>70</sup>

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<sup>70</sup> The general history, from the council of Chalcedon to the death of Anastasius, may be found in the Breviary of Liberatus, (c. 14—19,) the iid and iiid books of Evagrius, the abstract of the two books of Theodore the Reader, the Acts of the Synods, and the Epistles of the Pope, (Concil. tom. v.) The series is continued with some disorder in the xvth and xvith tomes of the *Mémoires Ecclésiastiques* of Tillemont. And here I must take leave forever of that incomparable guide—whose bigotry is overbalanced by the merits of

Justinian has been already seen in the various lights of a prince, a conqueror, and a lawgiver: the theologian<sup>22</sup> still remains, and it affords an unfavorable prejudice, that his theology should form a very prominent feature of his portrait. The sovereign sympathized with his subjects in their superstitious reverence for living and departed saints: his Code, and more especially his Novels, confirm and enlarge the privileges of the clergy; and in every dispute between a monk and a layman, the partial judge was inclined to pronounce, that truth, and innocence, and justice, were always on the side of the church. In his public and private devotions, the emperor was assiduous and exemplary; his prayers, vigils, and fasts, displayed the austere penance of a monk; his fancy was amused by the hope, or belief, of personal inspiration; he had secured the patronage of the Virgin and St. Michael the archangel; and his recovery from a dangerous disease was ascribed to the miraculous succor of the holy martyrs Cosmas and Damian. The capital and the provinces of the East were decorated with the monuments of his religion; and though the far greater part of these costly structures may be attributed to his taste or ostentation, the zeal of the royal architect was probably quickened by a genuine sense of love and gratitude towards his invisible benefactors. Among the titles of Imperial greatness, the name of *Pious* was most pleasing to his ear; to promote the temporal and spiritual interest of the church was the serious business of his life; and the duty of father of his country was often sacrificed to that of defender of the faith. The controversies of the times were congenial to his temper and understanding, and the theological professors must inwardly deride the diligence of a stranger, who cultivated their art and neglected his own. "What can ye fear," said a bold conspirator to his associates, "from your bigoted tyrant? Sleepless and un-

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erudition, diligence, veracity, and scrupulous minuteness. He was prevented by death from completing, as he designed, the vith century of the church and empire.

<sup>22</sup> The strain of the Anecdotes of Procopius, (c. 11, 13, 18, 27, 28,) with the learned remarks of Alemannus, is confirmed, rather than contradicted, by the Acts of the Councils, the fourth book of Evagrius, and the complaints of the African Facundus, in his xii<sup>th</sup> book—*de tribus capitulis, "cum videri doctus appetit importune . . . spontaneis quæstionibus ecclesiam turbat."* See Procop. de Bell. Goth. l. iii. c. 35.

<sup>23</sup> Procop. de Edificiis, l. i. c. 6, 7, &c., passim.

armed, he sits whole nights in his closet, debating with reverend graybeards, and turning over the pages of ecclesiastical volumes."<sup>53</sup> The fruits of these lucubrations were displayed in many a conference, where Justinian might shine as the loudest and most subtle of the disputants; in many a sermon, which, under the name of edicts and epistles, proclaimed to the empire the theology of their master. While the Barbarians invaded the provinces, while the victorious legions marched under the banners of Belisarius and Narses, the successor of Trajan, unknown to the camp, was content to vanquish at the head of a synod. Had he invited to these synods a disinterested and rational spectator, Justinian might have learned, "that religious controversy is the offspring of arrogance and folly; that true piety is most laudably expressed by silence and submission; that man, ignorant of his own nature, should not presume to scrutinize the nature of his God; and that it is sufficient for us to know, that power and benevolence are the perfect attributes of the Deity."<sup>54</sup>

Toleration was not the virtue of the times, and indulgence to rebels has seldom been the virtue of princes. But when the prince descends to the narrow and peevish character of a disputant, he is easily provoked to supply the defect of argument by the plenitude of power, and to chastise without mercy the perverse blindness of those who wilfully shut their eyes against the light of demonstration. The reign of Justinian was a uniform yet various scene of persecution; and he appears to have surpassed his indolent predecessors, both in the contrivance of his laws and the rigor of their execution. The insufficient term of three months was assigned for the conversion or exile of all heretics;<sup>55</sup> and if he still connived at

<sup>53</sup> "Ὁς δὴ κάθηται ἀφ' ἑλακτος ἐς δει ἐν λίσχῃ τινὶς ἀπὸ νυκτῶν, ἐκ τοῖς τῶν ἱερῶν βιβλίων γέρονσιν ἀνακλιεὶν τὰ Χριστιανῶν λόγια σπουδῇ ἔχων. Procop. de Bell. Goth. l. iii. c. 32. In the life of St. Eutychius (apud Aleman. ad Procop. Arcan. c. 18) the same character is given with a design to praise Justinian.

<sup>54</sup> For these wise and moderate sentiments, Procopius (de Bell. Goth. l. i. c. 3) is scourged in the preface of Alemannus, who ranks him among the *political* Christians — sed longe verius hæresium omnium sentinas, prorsusque Atheos — abominable Atheists, who preached the imitation of God's mercy to man, (ad Hist. Arcan. c. 18.)

<sup>55</sup> This alternative, a precious circumstance, is preserved by John Malala, (tom. ii. p. 63, edit. Venet. 1783,) who deserves more credit as he draws towards his end. After numbering the heretics, Nestorians

their precarious stay, they were deprived, under his iron yoke, not only of the benefits of society, but of the common birth-right of men and Christians. At the end of four hundred years, the Montanists of Phrygia<sup>25</sup> still breathed the wild enthusiasm of perfection and prophecy which they had imbibed from their male and female apostles, the special organs of the Paraclete. On the approach of the Catholic priests and soldiers, they grasped with alacrity the crown of martyrdom: the conventicle and the congregation perished in the flames, but these primitive fanatics were not extinguished three hundred years after the death of their tyrant. Under the protection of their Gothic confederates, the church of the Arians at Constantinople had braved the severity of the laws: their clergy equalled the wealth and magnificence of the senate; and the gold and silver which were seized by the rapacious hand of Justinian might perhaps be claimed as the spoils of the provinces, and the trophies of the Barbarians. A secret remnant of Pagans, who still lurked in the most refined and most rustic conditions of mankind, excited the indignation of the Christians, who were perhaps unwilling that any strangers should be the witnesses of their intestine quarrels. A bishop was named as the inquisitor of the faith, and his diligence soon discovered, in the court and city, the magistrates, lawyers, physicians, and sophists, who still cherished the superstition of the Greeks. They were sternly informed that they must choose without delay between the displeasure of Jupiter c. Justinian, and that their aversion to the gospel could no longer be distinguished under the scandalous mask of indifference or impiety. The patrician Photius, perhaps, alone was resolved to live and to die like his ancestors: he enfranchised himself with the stroke of a dagger, and left his tyrant the poor consolation of exposing with ignominy the lifeless corpse of the fugitive. His weaker brethren submitted to their earthly monarch, underwent the ceremony of baptism, and labored, by their extraordinary zeal, to erase the suspicion, or to expiate the guilt, of idolatry. The native country of Homer, and

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Eutychians, &c., ne expectent, says Justinian, ut digni veniā judicentur: jubemus, enim ut . . . convicti et aperti hæretici justæ et idoneæ animadversioni subjiciantur. Baronius copies and applies this edict of the Code, (A. D. 527, No. 39, 40.)

<sup>25</sup> See the character and principles of the Montanists, in Mosheim, *de Rebus Christ. ante Constantinum*, p. 410-424.

the theatre of the Trojan war, still retained the last sparks of his mythology: by the care of the same bishop, seventy thousand Pagans were detected and converted in Asia, Phrygia, Lydia, and Caria; ninety-six churches were built for the new proselytes; and linen vestments, Bibles, and liturgies, and vases of gold and silver, were supplied by the pious munificence of Justinian.<sup>86</sup> The Jews, who had been gradually stripped of their immunities, were oppressed by a vexatious law, which compelled them to observe the festival of Easter the same day on which it was celebrated by the Christians.<sup>87</sup> And they might complain with the more reason, since the Catholics themselves did not agree with the astronomical calculations of their sovereign: the people of Constantinople delayed the beginning of their Lent a whole week after it had been ordained by authority; and they had the pleasure of fasting seven days, while meat was exposed for sale by the command of the emperor. The Samaritans of Palestine<sup>88</sup> were a motley race, an ambiguous sect, rejected as Jews by the Pagans, by the Jews as schismatics, and by the Christians as idolaters. The abomination of the cross had already been planted on their holy mount of Garizim,<sup>89</sup> but the persecution of Justinian offered only the alternative of baptism or rebellion. They chose the latter: under the standard of a desperate leader, they rose in arms, and retaliated their wrongs on the lives, the property, and the temples, of a defenceless people. The Samaritans were finally subdued by the regular

<sup>86</sup> Theophan. Chron. p. 153. John, the Monophysite bishop of Asia, is a more authentic witness of this transaction, in which he was himself employed by the emperor, (Asseman. Bib. Orient. tom. ii. p. 85.)

<sup>87</sup> Compare Procopius (Hist. Arcan. c. 28, and Aleman's Notes) with Theophanes, (Chron. p. 190.) The council of Nice has intrusted the patriarch, or rather the astronomers, of Alexandria, with the annual proclamation of Easter; and we still read, or rather we do not read, many of the Paschal epistles of St. Cyril. Since the reign of Monophysitism in Egypt, the Catholics were perplexed by such a foolish prejudice as that which so long opposed, among the Protestants, the reception of the Gregorian style.

<sup>88</sup> For the religion and history of the Samaritans, consult Basnage, *Histoire des Juifs*, a learned and impartial work.

<sup>89</sup> Sichem, Neapolis, Naplous, the ancient and modern seat of the Samaritans, is situate in a valley between the barren Etal, the mountain of cursing to the north, and the fruitful *Garizim*, or mountain of cursing to the south, ten or eleven hours' travel from Jerusalem. See Maundrel, *Journey from Aleppo*: &c. c. 39. &c.

forces of the East: twenty thousand were slain, twenty thousand were sold by the Arabs to the infidels of Persia and India, and the remains of that unhappy nation atoned for the crime of treason by the sin of hypocrisy. It has been computed that one hundred thousand Roman subjects were exterminated in the Samaritan war," which converted the once fruitful province into a desolate and smoking wilderness. But in the creed of Justinian, the guilt of murder could not be applied to the slaughter of unbelievers; and he piously labored to establish with fire and sword the unity of the Christian faith."

With these sentiments, it was incumbent on him, at least, to be always in the right. In the first years of his administration, he signalized his zeal as the disciple and patron of orthodoxy: the reconciliation of the Greeks and Latins established the *tome* of St. Leo as the creed of the emperor and the empire; the Nestorians and Eutychians were exposed. on either side, to the double edge of persecution; and the four synods of Nice, Constantinople, Ephesus, and *Chalcedon*. were ratified by the code of a Catholic lawgiver." But while Justinian strove to maintain the uniformity of faith and worship, his wife Theodora, whose vices were not incompatible with devotion, had listened to the Monophysite teachers; and the open or clandestine enemies of the church revived and multiplied at the smile of their gracious patroness. The capital, the palace, the nuptial bed, were torn by spiritual discord; yet so doubtful was the sincerity of the royal consorts, that their seeming disagreement was imputed by many to a secret and mischievous confederacy against the religion and happiness of their people." The famous dispute of the

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" Procop. Anecd. c. 11. Theophan. Chron. p. 122. John Malala Chron. tom. ii. p. 62. I remember an observation, half philosophical, half superstitious, that the province which had been ruined by the bigotry of Justinian, was the same through which the Mahometans penetrated into the empire.

" The expression of Procopius is remarkable: οὐ γὰρ οἱ ἐξόκει φόβος ἀνθρώπων εἶναι, ἦν γε μὴ τῆς αὐτοῦ δόξης οἱ τελευταῖονες τέχνοιον ὄντες. Anecd. c. 18.

" See the Chronicle of Victor, p. 328, and the original evidence of the laws of Justinian. During the first years of his reign, Baronius himself is in extreme good humor with the emperor, who courted the pope's, till he got them into his power.

" Procopius, Anecd. c. 18. Evagrius, l. iv. c. 10. If the ecclesi-

THREE CHAPTERS," which has filled more volumes than it deserves lines, is deeply marked with this subtle and disingenuous spirit. It was now three hundred years since the body of Origen<sup>83</sup> had been eaten by the worms: his soul, of which he held the preëxistence, was in the hands of its Creator; but his writings were eagerly perused by the monks of Palestine. In these writings, the piercing eye of Justinian descried more than ten metaphysical errors; and the primitive doctor, in the company of Pythagoras and Plato, was devoted by the clergy to the *eternity* of hell-fire, which he had presumed to deny. Under the cover of this precedent, a treacherous blow was aimed at the council of Chalcedon. The fathers had listened without impatience to the praise of Theodore of Mopsuestia;<sup>84</sup> and their justice or indulgence had restored both Theodoret of Cyrrhus, and Ibas of Edessa, to the communion of the church. But the characters of these Oriental bishops were tainted with the reproach of heresy; the first had been the master, the two others were the friends, of Nestorius: their most suspicious passages were accused under the title of the *three chapters*; and the condemnation of their mem-

astical never read the secret historian, their common suspicion proves at least the general hatred.

<sup>83</sup> On the subject of the three chapters, the original acts of the viii general council of Constantinople supply much useless, though authentic, knowledge, (Concil. tom. vi. p. 1—419.) The *Greek* Evagrius is less copious and correct (l. iv. c. 38) than the three zealous *Africans*, Facundus, (in his twelve books, de tribus capitulis, which are most correctly published by Sirmond,) Liberatus, (in his Breviarium, c. 22, 23, 24,) and Victor Tunnunensis in his Chronicle, (in tom. i. Antiq. Lect. Canisii, 330—334.) The Liber Pontificalis, or Anastasius, (in Vigilio, Pelagio, &c.,) is original *Italian* evidence. The modern reader will derive some information from Dupin (Bibliot. Ecclési. tom. v. p. 189—207) and Basnage, (Hist. de l'Eglise, tom. i. p. 519—541;) yet the latter is too firmly resolved to depreciate the authority and character of the popes.

<sup>84</sup> Origen had indeed too great a propensity to imitate the *ἁλάνη* and *δυσοίβεια* of the old philosophers, (Justinian, ad Mennam, in Concil. tom. vi. p. 356.) His moderate opinions were too repugnant to the zeal of the church, and he was found guilty of the heresy of reason.

<sup>85</sup> Basnage (Præfat. p. 11—14, ad tom. i. Antiq. Lect. Canis.) has fairly weighed the guilt and innocence of Theodore of Mopsuestia. If he composed 10,000 volumes, as many errors would be a charitable allowance. In all the subsequent catalogues of heresiarchs, he alone, without his two brethren, is included; and it is the duty of *Assemanus* (Bibliot. Orient. tom. iv. p. 203—207) to justify the sentence.



ery must involve the honor of a synod, whose name was pronounced with sincere or affected reverence by the Catholic world. If these bishops, whether innocent or guilty, were annihilated in the sleep of death, they would not probably be awakened by the clamor which, after a hundred years, was raised over their grave. If they were already in the fangs of the dæmon, their torments could neither be aggravated nor assuaged by human industry. If in the company of saints and angels they enjoyed the rewards of piety, they must have smiled at the idle fury of the theological insects who still crawled on the surface of the earth. The foremost of these insects, the emperor of the Romans, darted his sting, and distilled his venom, perhaps without discerning the true motives of Theodora and her ecclesiastical faction. The victims were no longer subject to his power, and the vehement style of his edicts could only proclaim their damnation, and invite the clergy of the East to join in a full chorus of curses and anathemas. The East, with some hesitation, consented to the voice of her sovereign: the fifth general council, of three patriarchs and one hundred and sixty-five bishops, was held at Constantinople; and the authors, as well as the defenders, of the three chapters were separated from the communion of the saints, and solemnly delivered to the prince of darkness. But the Latin churches were more jealous of the honor of Leo and the synod of Chalcedon: and if they had fought as they usually did under the standard of Rome, they might have prevailed in the cause of reason and humanity. But their chief was a prisoner in the hands of the enemy; the throne of St. Peter, which had been disgraced by the simony, was betrayed by the cowardice, of Vigilius, who yielded, after a long and inconsistent struggle, to the despotism of Justinian and the sophistry of the Greeks. His apostasy provoked the indignation of the Latins, and no more than two bishops could be found who would impose their hands on his deacon and successor Pelagius. Yet the perseverance of the popes insensibly transferred to their adversaries the appellation of schismatics; the Illyrian, African, and Italian churches were oppressed by the civil and ecclesiastical powers, not without some effort of military force;<sup>7</sup> the distant Barbarians trau-

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<sup>7</sup> See the complaints of Liberatus and Victor, and the exhortations of Pope Pelagius to the conqueror and exarch of Italy. Schisma . . . per potestates publicas opprimatur, &c., (Concil. tom. vi. p. 447, &c.)

dispeopled by the cruel policy of the Sophis; and myriads of Christian families were transplanted, to perish or to propagate in the distant provinces of Persia. Under the rod of oppression, the zeal of the Armenians is fervent and intrepid; they have often preferred the crown of martyrdom to the white turban of Mahomet; they devoutly hate the error and idolatry of the Greeks; and their transient union with the Latins is not less devoid of truth, than the thousand bishops, whom their patriarch offered at the feet of the Roman pontiff.<sup>142</sup> The *catholic*, or patriarch, of the Armenians resides in the monastery of Ekniasin, three leagues from Erivan. Forty-seven archbishops, each of whom may claim the obedience of four or five suffragans, are consecrated by his hand; but the far greater part are only titular prelates, who dignify with their presence and service the simplicity of his court. As soon as they have performed the liturgy, they cultivate the garden; and our bishops will hear with surprise, that the austerity of their life increases in just proportion to the elevation of their rank. In the fourscore thousand towns or villages of his spiritual empire, the patriarch receives a small and voluntary tax from each person above the age of fifteen; but the annual amount of six hundred thousand crowns is insufficient to supply the incessant demands of charity and tribute. Since the beginning of the last century, the Armenians have obtained a large and lucrative share of the commerce of the East: in their return from Europe, the caravan usually halts in the neighborhood of Erivan, the altars are enriched with the fruits of their patient industry; and the faith of Eutyches is preached in their recent congregations of Barbary and Poland.<sup>143</sup>

V. In the rest of the Roman empire, the despotism of the prince might eradicate or silence the sectaries of an obnoxious creed. But the stubborn temper of the Egyptians main-

<sup>142</sup> See a remarkable fact of the xiiith century in the History of Nicetas Choniates, (p. 258.) Yet three hundred years before, Photius (Epistol. ii. p. 49, edit. Montacut.) had gloried in the conversion of the Armenians—*λατρεῖν σήμερον ὁρθοδόξως*.

<sup>143</sup> The travelling Armenians are in the way of every traveller, and their mother church is on the high road between Constantinople and Ispahan; for their present state, see Fabricius, (Lux Evangelii, &c., c. xxxviii. p. 40—51,) Olearius, (l. iv. c. 40,) Chardin, (vol. ii. p. 232,) Teurnefort, (lettre xx.,) and, above all, Tavernier, (tom. i. p. 28—37, 51)—518,) that rambling jeweller, who had read nothing, but had seen so much and so well

the church, and the reigns of his four successors, Justin, Tiberius, Maurice, and Phocas, are distinguished by a rare, though fortunate, vacancy in the ecclesiastical history of the East.<sup>100</sup>

The faculties of sense and reason are least capable of acting on themselves; the eye is most inaccessible to the sight, the soul to the thought; yet we think, and even feel, that *one will*, a sole principle of action, is essential to a rational and conscious being. When Heraclius returned from the Persian war, the orthodox hero consulted his bishops, whether the Christ whom he adored, of one person, but of two natures, was actuated by a single or a double will. They replied in the singular, and the emperor was encouraged to hope that the Jacobites of Egypt and Syria might be reconciled by the profession of a doctrine, most certainly harmless, and most probably true, since it was taught even by the Nestorians themselves.<sup>101</sup> The experiment was tried without effect, and the timid or vehement Catholics condemned even the semblance of a retreat in the presence of a subtle and audacious enemy. The orthodox (the prevailing) party devised new modes of speech, and argument, and interpretation: to either nature of Christ they speciously applied a proper and distinct energy; but the difference was no longer visible when they allowed that the human and the divine will were invariably the same.<sup>102</sup> The disease was attended with the customary

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in Concil. tom. vi. p. 1007,) was separated from the communion of the four patriarchs by his refusal to condemn the three chapters. Baronius almost pronounces the damnation of Justinian, (A. D. 565, No. 6.)

<sup>100</sup> After relating the last heresy of Justinian, (l. iv. c. 39, 40, 41,) and the edict of his successor, (l. v. c. 3,) the remainder of the history of Evagrius is filled with civil, instead of ecclesiastical events.

<sup>101</sup> This extraordinary, and perhaps inconsistent, doctrine of the Nestorians, had been observed by La Croze, (*Christianisme des Indes*, tom. i. p. 19, 20,) and is more fully exposed by Abulpharagius, (*Bibliot. Orient.* tom. ii. p. 292. *Hist. Dynast.* p. 91, vers. Latin. Pocock,) and Asseman himself, (tom. iv. p. 218.) They seem ignorant that they might allege the positive authority of the ecthesis. 'Ο μίανος Νεστόριος καίπερ διαφών τὴν θεῖαν τοῦ Κυρίου ἐνανθρώπησιν, καὶ δύο εἰσάγων υἱὸν, (the common reproach of the Monophysites,) οὐκ ἐληήματα τοῦτω εἶπεν οὐκ ἐδόκησε, τουνάντιον δὲ ταῦτα βουλίας τῶν . . . δύο πρόσωπων ἔβησε, (Concil. tom. vii. p. 205.)

<sup>102</sup> See the Orthodox faith in Petavius, (*Dogmata Theolog.* tom. v. l. ix. c. 6—10, p. 453—447:) all the depths of this controversy are sound in the Greek dialogue between Maximus and Pyrrhus, (a.

ymptoms : but the Greek clergy, as if satiated with the endless controversy of the incarnation, instilled a healing counsel into the ear of the prince and people. They declared themselves MONOTHELITES, (asserters of the unity of will,) but they treated the words as new, the questions as superfluous; and recommended a religious silence as the most agreeable to the prudence and charity of the gospel. This law of silence was successively imposed by the *ecthesis* or exposition of Heraclius, the *type* or model of his grandson Constans;<sup>103</sup> and the Imperial edicts were subscribed with alacrity or reluctance by the four patriarchs of Rome, Constantinople, Alexandria, and Antioch. But the bishop and monks of Jerusalem sounded the alarm: in the language, or even in the silence, of the Greeks, the Latin churches detected a latent heresy: and the obedience of Pope Honorius to the commands of his sovereign was retracted and censured by the bolder ignorance of his successors. They condemned the execrable and abominable heresy of the Monothelites, who revived the errors of Manes, Apollinaris, Eutyches, &c.; they signed the sentence of excommunication on the tomb of St. Peter; the ink was mingled with the sacramental wine, the blood of Christ; and no ceremony was omitted that could fill the superstitious mind with horror and affright. As the representative of the Western church, Pope Martin and his Lateran synod anathematized the perfidious and guilty silence of the Greeks: one hundred and five bishops of Italy, for the most part the subjects of Constans, presumed to reprobate his wicked *type*, and the impious *ecthesis* of his grandfather; and to confound the authors and their adherents with the twenty-one notorious heretics, the apostates from the church, and the organs of the devil. Such an insult under the tamest reign could not pass with impunity. Pope Martin ended his days on the inhospitable shore of the Tauric Chersonesus, and his oracle, the abbot Maximus, was inhumanly chastised by the amputation of his tongue and his right hand.<sup>104</sup> But

calcem tom. viii. Annal. Baron. p. 755—794,) which relates a real conference, and produced as short-lived a conversion.

<sup>103</sup> Impiissimam ecthesim . . . . scelerosum typum (Concil. tom. vii p. 366) diabolicæ operationis genuina, (fors. *germina*, or else the Greek γεννηματα in the original. Concil. p. 363, 364.) are the expressions of the xviith anathema. The epistle of Pope Martin to Amandus, a Gallican bishop, stigmatizes the Monothelites and their heresy with equal virulence, (p. 392.)

<sup>104</sup> The sufferings of Martin and Maximus are described with po

the same invincible spirit survived in their successors; and the triumph of the Latins avenged their recent defeat, and obliterated the disgrace of the three chapters. The synods of Rome were confirmed by the sixth general council of Constantinople, in the palace and the presence of a new Constantine, a descendant of Heraclius. The royal convert converted the Byzantine pontiff and a majority of the bishops;<sup>100</sup> the dissenters, with their chief, Macarius of Antioch, were condemned to the spiritual and temporal pains of heresy; the East condescended to accept the lessons of the West; and the creed was finally settled, which teaches the Catholics of every age, that two wills or energies are harmonized in the person of Christ. The majesty of the pope and the Roman synod was represented by two priests, one deacon, and three bishops; but these obscure Latins had neither arms to compel, nor treasures to bribe, nor language to persuade; and I am ignorant by what arts they could determine the lofty emperor of the Greeks to abjure the catechism of his infancy, and to persecute the religion of his fathers. Perhaps the monks and people of Constantinople<sup>101</sup> were favorable to the Lateran creed, which is indeed the least reasonable of the two: and the suspicion is countenanced by the unnatural moderation of the Greek clergy, who appear in this quarrel to be conscious of their weakness. While the synod debated, a fanatic proposed a more summary decision, by raising a dead man to life: the prelates assisted at the trial; but the acknowledged failure may serve to indicate, that the passions and prejudices of the multitude were not enlisted on the side of the Monothelites. In the next generation, when the son of Constantine

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thetic simplicity in their original letters and acts, (Concil. tom. vii. p. 68—78. Baron. Annal. Eccles. A. D. 656, No. 2, et annos subsequent.) Yet the chastisement of their disobedience, *ἐξόρια* and *σώματος αἰκισμός*, had been previously announced in the Type of Constans, (Concil. tom. vii. p. 240.)

<sup>100</sup> Eutychius (Annal. tom. ii. p. 368) most erroneously supposes that the 124 bishops of the Roman synod transported themselves to Constantinople; and by adding them to the 168 Greeks, thus composes the sixth council of 292 fathers.

<sup>101</sup> The Monothelite Constans was hated by all, *διὰ τοὶ ταῦτα* (says Theophanes, Chron. p. 292) *ἐμισήθη σφόδρως παρὰ πάντων*. When the Monothelite monk failed in his miracle, the people shouted, *ὁ λαὸς ἀνέβη* (Concil. tom. vii. p. 1032.) But this was a natural and transient emotion; and I much fear that the latter is an anticipation of or doxy in the good people of Constantinople.

was deposed and slain by the disciple of Macarius, they tasted the feast of revenge and dominion: the image or monument of the sixth council was defaced, and the original acts were committed to the flames. But in the second year, their patron was cast headlong from the throne, the bishops of the East were released from their occasional conformity, the Roman faith was more firmly replanted by the orthodox successors of Bardanes, and the fine problems of the incarnation were forgotten in the more popular and visible quarrel of the worship of images.<sup>107</sup>

Before the end of the seventh century, the creed of the incarnation, which had been defined at Rome and Constantinople, was uniformly preached in the remote islands of Britain and Ireland;<sup>108</sup> the same ideas were entertained, or rather the same words were repeated, by all the Christians whose liturgy was performed in the Greek or the Latin tongue. Their numbers, and visible splendor, bestowed an imperfect claim to the appellation of Catholics: but in the East, they were marked with the less honorable name of *Me-*

<sup>107</sup> The history of Monothelitism may be found in the Acts of the Synods of Rome (tom. vii. p. 77—395, 601—608) and Constantinople, (p. 609—1429.) Baronius extracted some original documents from the Vatican library; and his chronology is rectified by the diligence of Pagi. Even Dupin (*Bibliothèque Ecclésiastique*, tom. vi. p. 57—71) and Basnage (*Hist. de l'Eglise*, tom. i. p. 451—555) afford a tolerable bridge.

<sup>108</sup> In the Lateran synod of 679, Wilfred, an Anglo-Saxon bishop, subscribed *pro omni Aquilonari parte Britanniae et Hiberniae, quae ab Anglorum et Britonum, necnon Scotorum et Pictorum gentibus colebantur*, (Eddius, in *Vit. St. Wilfrid*, c. 31, apud Pagi, *Critica*, tom. iii. p. 88.) Theodore (*magnae insulae Britanniae archiepiscopus et philosophus*) was long expected at Rome, (Concil. tom. vii. p. 714,) but he contented himself with holding (A. D. 680) his provincial synod of Hatfield, in which he received the decrees of Pope Martin and the first Lateran council against the Monothelites, (Concil. tom. vii. p. 597, &c.) Theodore, a monk of Tarsus in Cilicia, had been named to the primacy of Britain by Pope Vitalian, (A. D. 688; see Baronius and Pagi,) whose esteem for his learning and piety was tainted by some distrust of his national character—*ne quid contrarium veritati fidei, Graecorum more, in ecclesiam cui praesentat introduceret*. The Cilician was sent from Rome to Canterbury under the tuition of an African guide, (Bedæ *Hist. Eccles. Anglorum*, l. iv. c. 1.) He adhered to the Roman doctrine; and the same creed of the incarnation has been uniformly transmitted from Theodore to the modern prelates, whose sound understanding is perhaps seldom engaged with that abstruse mystery.

*chites*, or Royalists; <sup>100</sup> of men, whose faith, instead of resting on the basis of Scripture, reason, or tradition, had been established, and was still maintained, by the arbitrary power of a temporal monarch. Their adversaries might allege the words of the fathers of Constantinople, who profess themselves the slaves of the king; and they might relate, with malicious joy, how the decrees of Chalcedon had been inspired and reformed by the emperor Marcian and his virgin bride. The prevailing faction will naturally inculcate the duty of submission, nor is it less natural that dissenters should feel and assert the principles of freedom. Under the rod of persecution, the Nestorians and Monophysites degenerated into rebels and fugitives; and the most ancient and useful allies of Rome were taught to consider the emperor not as the chief, but as the enemy of the Christians. Language, the leading principle which unites or separates the tribes of mankind, soon discriminated the sectaries of the East, by a peculiar and perpetual badge, which abolished the means of intercourse and the hope of reconciliation. The long dominion of the Greeks, their colonies, and, above all, their eloquence, had propagated a language doubtless the most perfect that has been contrived by the art of man. Yet the body of the people, both in Syria and Egypt, still persevered in the use of their national idioms; with this difference, however, that the Coptic was confined to the rude and illiterate peasants of the Nile, while the Syriac, <sup>110</sup> from the mountains of Assyria to the Red Sea, was adapted to the higher topics of poetry and argument. Armenia and Abyssinia were infected by the speech or learning of the Greeks; and their Barbaric

<sup>100</sup> This name, unknown till the xth century, appears to be of Syriac origin. It was invented by the Jacobites, and eagerly adopted by the Nestorians and Mahometans; but it was accepted without shame by the Catholics, and is frequently used in the Annals of Eutychius, (Asseman. Bibliot. Orient. tom. ii. p. 507, &c., tom. iii. p. 255. Renaudot, Hist. Patriarch. Alexandrin. p. 119.) 'Ἡμεῖς δοῦλοὶ τοῦ Βασιλέως, was the acclamation of the fathers of Constantinople, (Concil. tom. vii. p. 765.)

<sup>110</sup> The Syriac, which the natives revere as the primitive language, was divided into three dialects. 1. The *Aramaean*, as it was refined at Edessa and the cities of Mesopotamia. 2. The *Palestine*, which was used in Jerusalem, Damascus, and the rest of Syria. 3. The *Nataean*, the rustic idiom of the mountains of Assyria and the villages of Irak, (Gregor. Abulpharag. Hist. Dynast. p. 11.) On the Syriac, see Ebed-Jesu, (Asseman. tom. iii. p. 326, &c.,) whose prejudice alone could prefer it to the Arabic.

tongues, which have been revived in the studies of modern Europe, were unintelligible to the inhabitants of the Roman empire. The Syriac and the Coptic, the Armenian and the Ethiopic, are consecrated in the service of their respective churches: and their theology is enriched by domestic versions<sup>111</sup> both of the Scriptures and of the most popular fathers. After a period of thirteen hundred and sixty years, the spark of controversy, first kindled by a sermon of Nestorius, still burns in the bosom of the East, and the hostile communions still maintain the faith and discipline of their founders. In the most abject state of ignorance, poverty, and servitude, the Nestorians and Monophysites reject the spiritual supremacy of Rome, and cherish the toleration of their Turkish masters, which allows them to anathematize, on the one hand, St. Cyril and the synod of Ephesus: on the other, Pope Leo and the council of Chalcedon. The weight which they cast into the downfall of the Eastern empire demands our notice, and the reader may be amused with the various prospect of, I. The Nestorians; II. The Jacobites;<sup>112</sup> III. The Maronites; IV. The Armenians; V. The Copts: and, VI. The Abyssinians. To the three former, the Syriac is common; but of the latter, each is discriminated by the use of a national idiom. Yet the modern natives of Armenia and Abyssinia would be incapable of conversing with their ancestors; and the Christians of Egypt and Syria, who reject the religion, have adopted the language of the Arabians. The lapse of time has seconded the sacerdotal arts; and in the East, as well as in the West, the Deity is addressed in an obsolete tongue, unknown to the majority of the congregation.

<sup>111</sup> I shall not enrich my ignorance with the spoils of Simon, Walton, Mill, Wetstein, Assemanus, Ludolphus, La Croze, whom I have consulted with some care. It appears, 1. *That*, of all the versions which are celebrated by the fathers, it is doubtful whether any are now extant in their pristine integrity. 2. *That* the Syriac has the best claim, and that the consent of the Oriental sects is a proof that it is more ancient than their schism.

<sup>112</sup> In the account of the Monophysites and Nestorians, I am deeply indebted to the Bibliotheca Orientalis Clementino-Vaticana of Joseph Simon Assemanus. That learned Maronite was despatched, in the year 1715, by Pope Clement XI. to visit the monasteries of Egypt and Syria, in search of MSS. His four folio volumes, published at Rome 1719—1728, contain a part only, though perhaps the most valuable, of his extensive project. As a native and as a scholar, he possessed the Syriac literature; and, though a dependent of Rome, he wishes to be moderate and candid



I. Both in his native and his episcopal province, the heresy of the unfortunate Nestorius was speedily obliterated. The Oriental bishops, who at Ephesus had resisted to his face the arrogance of Cyril, were mollified by his tardy concessions. The same prelates, or their successors, subscribed, not without a murmur, the decrees of Chalcedon; the power of the Monophysites reconciled them with the Catholics in the conformity of passion, of interest, and, insensibly, of belief; and their last reluctant sigh was breathed in the defence of the three chapters. Their dissenting brethren, less moderate, or more sincere, were crushed by the penal laws; and, as early as the reign of Justinian, it became difficult to find a church of Nestorians within the limits of the Roman empire. Beyond those limits they had discovered a new world, in which they might hope for liberty, and aspire to conquest. In Persia, notwithstanding the resistance of the Magi, Christianity had struck a deep root, and the nations of the East reposed under its salutary shade. The *catholic*, or primate, resided in the capital: in *his* synods, and in *their* dioceses, his metropolitans, bishops, and clergy, represented the pomp and order of a regular hierarchy: they rejoiced in the increase of proselytes, who were converted from the Zendavesta to the gospel, from the secular to the monastic life; and their zeal was stimulated by the presence of an artful and formidable enemy. The Persian church had been founded by the missionaries of Syria; and their language, discipline, and doctrine, were closely interwoven with its original frame. The *catholics* were elected and ordained by their own suffragans; but their filial dependence on the patriarchs of Antioch is attested by the canons of the Oriental church.<sup>113</sup> In the Persian school of Edessa,<sup>114</sup>

<sup>113</sup> See the Arabic canons of Nice in the translation of Abraham Ecchelenensis, No. 37, 38, 39, 40. Concil. tom. ii. p. 335, 336, edit. Venet. These vulgar titles, *Nicene* and *Arabic*, are both apocryphal. The council of Nice enacted no more than twenty canons, (Theodoret. Hist. Eccles. l. i. c. 8;) and the remainder, seventy or eighty, were collected from the synods of the Greek church. The Syriac edition of Maruthas is no longer extant, (Asseman. Bibliot. Oriental. tom. i. p. 195, tom. iii. p. 74,) and the Arabic version is marked with many recent interpolations. Yet this Code contains many curious relics of ecclesiastical discipline; and since it is equally revered by all the Eastern communions, it was probably finished before the schism of the Nestorians and Jacobites, (Fabric. Bibliot. Græc. tom. xi. p. 363—367.)

<sup>114</sup> Theodore the Reader (l. ii. c. 5, 49, ad calcem Hist. Eccles.) has

people from the Barbarians who ravaged the inland country and the Turks and Arabs who advanced from the sea-coast in more formidable array. Æthiopia was saved by four hundred and fifty Portuguese, who displayed in the field the native valor of Europeans, and the artificial power of the musket and cannon. In a moment of terror, the emperor had promised to reconcile himself and his subjects to the Catholic faith; a Latin patriarch represented the supremacy of the pope: "the empire, enlarged in a tenfold proportion, was supposed to contain more gold than the mines of America; and the wildest hopes of avarice and zeal were built on the willing submission of the Christians of Africa.

But the vows which pain had extorted were forsworn on the return of health. The Abyssinians still adhered with unshaken constancy to the Monophysite faith; their languid belief was inflamed by the exercise of dispute; they branded the Latins with the names of Arians and Nestorians, and imputed the adoration of *four* gods to those who separated the two natures of Christ. Fremona, a place of worship, or rather of exile, was assigned to the Jesuit missionaries. Their skill in the liberal and mechanic arts, their theological learning, and the decency of their manners, inspired a barren esteem; but they were not endowed with the gift of miracles,<sup>150</sup> and they vainly solicited a reinforcement of European troops. The patience and dexterity of forty years at length obtained a more favorable audience, and two emperors of Abyssinia were persuaded that Rome could insure the temporal and everlasting happiness of her votaries. The first of these royal converts lost his crown and his life; and the rebel army was sanctified by the *abuna*, who hurled an anathema at the apostate, and absolved his subjects from their oath of fidelity. The fate of Zadenghel was revenged by the courage and fortune of Susneus, who

<sup>150</sup> John Bermudez, whose relation, printed at Lisbon, 1569, was translated into English by Purchas, (*Pilgrims*, l. vii. c. 7, p. 1149, &c.) and from thence into French by La Croze, (*Christianisme d'Ethiopie*, p. 92—265.) The piece is curious; but the author may be suspected of deceiving Abyssinia, Rome, and Portugal. His title to the rank of patriarch is dark and doubtful, (*Ludolph. Comment.* No. 101, p. 478.)

<sup>151</sup> *Religio Romana . . . nec precibus patrum nec miraculis ab ipsis editis suffulciebatur*, is the uncontradicted assurance of the devout emperor Susneus to his patriarch Mendez, (*Ludolph. Comment.* No. 120, p. 529;) and such assurances should be precious kept, as an antidote against any marvellous legends.

ascended the throne under the name of Segued, and more vigorously prosecuted the pious enterprise of his kinsman. After the amusement of some unequal combats between the Jesuits and his illiterate priests, the emperor declared himself a proselyte to the synod of Chalcedon, presuming that his clergy and people would embrace without delay the religion of their prince. The liberty of choice was succeeded by a law, which imposed, under pain of death, the belief of the two natures of Christ: the Abyssinians were enjoined to work and to play on the Sabbath; and Segued, in the face of Europe and Africa, renounced his connection with the Alexandrian church. A Jesuit, Alphonso Mendez, the Catholic patriarch of Æthiopia, accepted, in the name of Urban VIII., the homage and abjuration of the penitent. "I confess," said the emperor on his knees, "I confess that the pope is the vicar of Christ, the successor of St. Peter, and the sovereign of the world. To him I swear true obedience, and at his feet I offer my person and kingdom." A similar oath was repeated by his son, his brother, the clergy, the nobles, and even the ladies of the court: the Latin patriarch was invested with honors and wealth; and his missionaries erected their churches or citadels in the most convenient stations of the empire. The Jesuits themselves deplore the fatal indiscretion of their chief, who forgot the mildness of the gospel and the policy of his order, to introduce with hasty violence the liturgy of Rome and the inquisition of Portugal. He condemned the ancient practice of circumcision, which health, rather than superstition, had first invented in the climate of Æthiopia.<sup>100</sup> A new baptism, a new ordination, was inflicted on the natives; and they trembled with horror when the most holy of the dead were torn from their graves, when the most illustrious of the living were excommunicated by a foreign priest. In the defence of their

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<sup>100</sup> I am aware how tender is the question of circumcision. Yet I will affirm, 1. That the Æthiopians have a physical reason for the circumcision of males, and even of females, (*Recherches Philosophiques sur les Américains*, tom. ii.) 2. That it was practised in Æthiopia long before the introduction of Judaism or Christianity, (*Herodot.* l. ii. c. 104. *Marsham*, *Canon. Chron.* p. 72, 73.) "Infantes circumcidunt ob consuetudinem, non ob Judaismum," says Gregory the Abyssinian priest, (*apud Fabric. Lux Christiana*, p. 720.) Yet in the heat of dispute, the Portuguese were sometimes branded with the name of *uncircumcised*, (*La Croze*, p. 80. *Judeoph. Hist. and Comment.* l. iii. c. 1.)

religion and liberty, the Abyssinians rose in arms, with desperate but unsuccessful zeal. Five rebellions were extinguished in the blood of the insurgents: two abunas were slain in battle, whole legions were slaughtered in the field, or suffocated in their caverns; and neither merit, nor rank, nor sex, could save from an ignominious death the enemies of Rome. But the victorious monarch was finally subdued by the constancy of the nation, of his mother, of his son, and of his most faithful friends. Segued listened to the voice of pity, of reason, perhaps of fear: and his edict of liberty of conscience instantly revealed the tyranny and weakness of the Jesuits. On the death of his father, Basilides expelled the Latin patriarch, and restored to the wishes of the nation the faith and the discipline of Egypt. The Monophysite churches resounded with a song of triumph, "that the sheep of Æthiopia were now delivered from the hyænas of the West;" and the gates of that solitary realm were forever shut against the arts, the science, and the fanaticism of Europe.<sup>101</sup>

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<sup>101</sup> The three Protestant historians, Ludolphus, (*Hist. Æthiopica*, Francofurt 1681; *Commentarius*, 1691; *Relatio Nova*, &c., 1693, in folio,) Geddes, (*Church History of Æthiopia*, London, 1696, in 8vo.,) and La Croze, (*Hist. du Christianisme d'Ethiopie et d'Armenie*, La Haye, 1739, in 12mo.,) have drawn their principal materials from the Jesuits, especially from the *General History of Tellez*, published in Portuguese at Coimbra, 1660. We might be surprised at their frankness; but their most flagitious vice, the spirit of persecution, was in their eyes the most meritorious virtue. Ludolphus possessed some, though a slight, advantage from the Æthiopic language, and the personal conversation of Gregory, a free-spirited Abyssinian priest, whom he invited from Rome to the court of Saxe-Gotha. See the *Theologia Æthiopica* of Gregory, in *Fabric. Lux Evangelii*, p. 716—734.\*

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The travels of Bruce, illustrated by those of Mr. Salt, and the narrative of Nathaniel Pearce, have brought us again acquainted with this remote region. Whatever may be their speculative opinions, the barbarous manners of the Ethiopians seem to be gaining more and more the ascendancy over the practice of Christianity.—M.

## CHAPTER XLVIII.

PLAN OF THE TWO LAST VOLUMES.—SUCCESSION AND CHARACTERS OF THE GREEK EMPERORS OF CONSTANTINOPLE, FROM THE TIME OF HERACLIUS TO THE LATIN CONQUEST.

I HAVE now deduced from Trajan to Constantine, from Constantine to Heraclius, the regular series of the Roman emperors; and faithfully exposed the prosperous and adverse fortunes of their reigns. Five centuries of the decline and fall of the empire have already elapsed; but a period of more than eight hundred years still separates me from the term of my labors, the taking of Constantinople by the Turks. Should I persevere in the same course, should I observe the same measure, a prolix and slender thread would be spun through many a volume, nor would the patient reader find an adequate reward of instruction or amusement. At every step, as we sink deeper in the decline and fall of the Eastern empire, the annals of each succeeding reign would impose a more ungrateful and melancholy task. These annals must continue to repeat a tedious and uniform tale of weakness and misery; the natural connection of causes and events would be broken by frequent and hasty transitions, and a minute accumulation of circumstances must destroy the light and effect of those general pictures which compose the use and ornament of a remote history. From the time of Heraclius, the Byzantine theatre is contracted and darkened: the line of empire, which had been defined by the laws of Justinian and the arms of Belisarius, recedes on all sides from our view; the Roman name, the proper subject of our inquiries, is reduced to a narrow corner of Europe, to the lonely suburbs of Constantinople; and the fate of the Greek empire has been compared to that of the Rhine, which loses itself in the sands, before its waters can mingle with the ocean. The scale of dominion is diminished to our view by the distance of time and place; nor is the loss of external splendor compensated by the nobler gifts of virtue and genius. In the last moments of her decay, Constantinople was doubtless more opulent and populous than Athens at her most flourishing era, when a scanty sum of six

thousand talents, or twelve hundred thousand pounds sterling was possessed by twenty-one thousand male citizens of an adult age. But each of these citizens was a freeman, who dared to assert the liberty of his thoughts, words, and actions; whose person and property were guarded by equal law; and who exercised his independent vote in the government of the republic. Their numbers seem to be multiplied by the strong and various discriminations of character; under the shield of freedom, on the wings of emulation and vanity, each Athenian aspired to the level of the national dignity; from this commanding eminence, some chosen spirits soared beyond the reach of a vulgar eye; and the chances of superior merit in a great and populous kingdom, as they are proved by experience, would excuse the computation of imaginary millions. The territories of Athens, Sparta, and their allies, do not exceed a moderate province of France or England; but after the trophies of Salamis and Platea, they expand in our fancy to the gigantic size of Asia, which had been trampled under the feet of the victorious Greeks. But the subjects of the Byzantine empire, who assume and dishonor the names both of Greeks and Romans, present a dead uniformity of abject vices, which are neither softened by the weakness of humanity, nor animated by the vigor of memorable crimes. The freemen of antiquity might repeat with generous enthusiasm the sentence of Homer, "that on the first day of his servitude, the captive is deprived of one half of his manly virtue." But the poet had only seen the effects of civil or domestic slavery, nor could he foretell that the second moiety of manhood must be annihilated by the spiritual despotism which shackles not only the actions, but even the thoughts, of the prostrate votary. By this double yoke, the Greeks were oppressed under the successors of Heraclius; the tyrant, a law of eternal justice, was degraded by the vices of his subjects; and on the throne, in the camp, in the schools, we search, perhaps with fruitless diligence, the names and characters that may deserve to be rescued from oblivion. Nor are the defects of the subject compensated by the skill and variety of the painters. Of a space of eight hundred years, the four first centuries are overspread with a cloud interrupted by some faint and broken rays of historic light: in the lives of the emperors, from Maurice to Alexius, Basil the Macedonian has alone been the theme of a separate work; and the absence, or loss, or imperfection of contemporary evidence, must be poorly supplied by the

doubtful authority of more recent compilers. The four last centuries are exempt from the reproach of penury; and with the Comnenian family, the historic muse of Constantinople again revives, but her apparel is gaudy, her motions are without elegance or grace. A succession of priests, or courtiers, tread in each other's footsteps in the same path of servitude and superstition: their views are narrow, their judgment is feeble or corrupt; and we close the volume of copious barrenness, still ignorant of the causes of events, the characters of the actors, and the manners of the times which they celebrate or deplore. The observation which has been applied to a man, may be extended to a whole people, that the energy of the sword is communicated to the pen; and it will be found by experience, that the tone of history will rise or fall with the spirit of the age.

From these considerations, I should have abandoned without regret the Greek slaves and their servile historians, had I not reflected that the fate of the Byzantine monarchy is *passively* connected with the most splendid and important revolutions which have changed the state of the world. The space of the lost provinces was immediately replenished with new colonies and rising kingdoms: the active virtues of peace and war deserted from the vanquished to the victorious nations; and it is in their origin and conquests, in their religion and government, that we must explore the causes and effects of the decline and fall of the Eastern empire. Nor will this scope of narrative, the riches and variety of these materials, be incompatible with the unity of design and composition. As, in his daily prayers, the Mussulman of Fez or Delhi still turns his face towards the temple of Mecca, the historian's eye shall be always fixed on the city of Constantinople. The excursive line may embrace the wilds of Arabia and Tartary, but the circle will be ultimately reduced to the decreasing limit of the Roman monarchy.

On this principle I shall now establish the plan of the last two volumes of the present work. The first chapter will contain, in a regular series, the emperors who reigned at Constantinople during a period of six hundred years, from the days of Heraclius to the Latin conquest; a rapid abstract, which may be supported by a *general* appeal to the order and text of the original historians. In this introduction, I shall confine myself to the revolutions of the throne, the succession of families, the personal characters of the Greek princes, the

mode of their life and death, the maxims and influence of their domestic government, and the tendency of their reign to accelerate or suspend the downfall of the Eastern empire. Such a chronological review will serve to illustrate the various argument of the subsequent chapters; and each circumstance of the eventful story of the Barbarians will adapt itself in a proper place to the Byzantine annals. The internal state of the empire, and the dangerous heresy of the Paulicians, which shook the East and enlightened the West, will be the subject of two separate chapters; but these inquiries must be postponed till our further progress shall have opened the view of the world in the ninth and tenth centuries of the Christian æra. After this foundation of Byzantine history, the following nations will pass before our eyes, and each will occupy the space to which it may be entitled by greatness or merit, or the degree of connection with the Roman world and the present age. I. The FRANKS; a general appellation which includes all the Barbarians of France, Italy, and Germany, who were united by the sword and sceptre of Charlemagne. The persecution of images and their votaries separated Rome and Italy from the Byzantine throne, and prepared the restoration of the Roman empire in the West. II. The ARABS or SARACENS. Three ample chapters will be devoted to this curious and interesting object. In the first, after a picture of the country and its inhabitants, I shall investigate the character of Mahomet; the character, religion, and success of the prophet. In the second, I shall lead the Arabs to the conquest of Syria, Egypt, and Africa, the provinces of the Roman empire; nor can I check their victorious career till they have overthrown the monarchies of Persia and Spain. In the third, I shall inquire how Constantinople and Europe were saved by the luxury and arts, the division and decay, of the empire of the caliphs. A single chapter will include, III. The BULGARIANS, IV. HUNGARIANS, and, V. RUSSIANS, who assaulted by sea or by land the provinces and the capital; but the last of these, so important in their present greatness, will excite some curiosity in their origin and infancy. VI. The NORMANS; or rather the private adventurers of that warlike people, who founded a powerful kingdom in Apulia and Sicily, shook the throne of Constantinople, displayed the trophies of chivalry, and almost realized the wonders of romance. VII. The LATINS; the subjects of the pope, the nations of the West, who enlisted under the banner of the



cross for the recovery or relief of the holy sepulchre. The Greek emperors were terrified and preserved by the myriads of pilgrims who marched to Jerusalem with Godfrey of Bouillon and the peers of Christendom. The second and third crusades trod in the footsteps of the first: Asia and Europe were mingled in a sacred war of two hundred years; and the Christian powers were bravely resisted, and finally expelled by Saladin and the Mamelukes of Egypt. In these memorable crusades, a fleet and army of French and Venetians were diverted from Syria to the Thracian Bosphorus: they assaulted the capital, they subverted the Greek monarchy: and a dynasty of Latin princes was seated near threescore years on the throne of Constantine. VII. The GREEKS themselves, during this period of captivity and exile, must be considered as a foreign nation; the enemies, and again the sovereigns of Constantinople. Misfortune had rekindled a spark of national virtue; and the Imperial series may be continued with some dignity from their restoration to the Turkish conquest. IX. The MOGULS and TARTARS. By the arms of Zingis and his descendants, the globe was shaken from China to Poland and Greece: the sultans were overthrown: the caliphs fell, and the Cæsars trembled on their throne. The victories of Timour suspended above fifty years the final ruin of the Byzantine empire. X. I have already noticed the first appearance of the TURKS; and the names of the fathers, of *Seljuk* and *Othman*, discriminate the two successive dynasties of the nation, which emerged in the eleventh century from the Scythian wilderness. The former established a splendid and potent kingdom from the banks of the Oxus to Antioch and Nice; and the first crusade was provoked by the violation of Jerusalem and the danger of Constantinople. From an humble origin, the *Ottomans* arose, the scourge and terror of Christendom. Constantinople was besieged and taken by Mahomet II., and his triumph annihilates the remnant, the image, the title, of the Roman empire in the East. The schism of the Greeks will be connected with their last calamities, and the restoration of learning in the Western world. I shall return from the captivity of the new, to the ruins of ancient ROME; and the venerable name, the interesting theme, will shed a ray of glory on the conclusion of my labors

THE emperor Heraclius had punished a tyrant and ascended his throne ; and the memory of his reign is perpetuated by the transient conquest, and irreparable loss, of the Eastern provinces. After the death of Eudocia, his first wife, he disobeyed the patriarch, and violated the laws, by his second marriage with his niece Martina ; and the superstition of the Greeks beheld the judgment of Heaven in the diseases of the father and the deformity of his offspring. But the opinion of an illegitimate birth is sufficient to distract the choice, and loosen the obedience, of the people : the ambition of Martina was quickened by maternal love, and perhaps by the envy of a step-mother ; and the aged husband was too feeble to withstand the arts of conjugal allurements. Constantine, his eldest son, enjoyed in a mature age the title of Augustus ; but the weakness of his constitution required a colleague and a guardian, and he yielded with secret reluctance to the partition of the empire. The senate was summoned to the palace to ratify or attest the association of Heracleonas, the son of Martina : the imposition of the diadem was consecrated by the prayer and blessing of the patriarch ; the senators and patricians adored the majesty of the great emperor and the partners of his reign ; and as soon as the doors were thrown open, they were hailed by the tumultuary but important voice of the soldiers. After an interval of five months, the pompous ceremonies which formed the essence of the Byzantine state were celebrated in the cathedral and the hippodrome ; the concord of the royal brothers was affectingly displayed by the younger leaning on the arm of the elder ; and the name of Martina was mingled in the reluctant or venal acclamations of the people. Heraclius survived this association about two years : his last testimony declared his two sons the equal heirs of the Eastern empire, and commanded them to honor his widow Martina as their mother and their sovereign.

When Martina first appeared on the throne with the name and attributes of royalty, she was checked by a firm, though respectful, opposition ; and the dying embers of freedom were kindled by the breath of superstitious prejudice. "We reverence," exclaimed the voice of a citizen, "we reverence the mother of our princes ; but to those princes alone our obedience is due ; and Constantine, the elder emperor, is of an age to sustain, in his own hands, the weight of the sceptre. Your sex is excluded by nature from the toils of government. How could you combat, how could you answer, the Barba

rians, who, with hostile or friendly intentions, may approach the royal city? May Heaven avert from the Roman republic this national disgrace, which would provoke the patience of the slaves of Persia!" Martina descended from the throne with indignation, and sought a refuge in the female apartment of the palace. The reign of Constantine the Third lasted only one hundred and three days: he expired in the thirtieth year of his age, and, although his life had been a long malady, a belief was entertained that poison had been the means, and his cruel step-mother the author, of his untimely fate. Martina reaped indeed the harvest of his death, and assumed the government in the name of the surviving emperor; but the incestuous widow of Heraclius was universally abhorred; the jealousy of the people was awakened, and the two orphans whom Constantine had left became the objects of the public care. It was in vain that the son of Martina, who was no more than fifteen years of age, was taught to declare himself the guardian of his nephews, one of whom he had presented at the baptismal font: it was in vain that he swore on the wood of the true cross, to defend them against all their enemies. On his death-bed, the late emperor had despatched a trusty servant to arm the troops and provinces of the East in the defence of his helpless children: the eloquence and liberality of Valentin had been successful, and from his camp of Chalcedon, he boldly demanded the punishment of the assassins, and the restoration of the lawful heir. The license of the soldiers, who devoured the grapes and drank the wine of their Asiatic vineyards, provoked the citizens of Constantinople against the domestic authors of their calamities, and the dome of St. Sophia reëchoed, not with prayers and hymns, but with the clamors and imprecations of an enraged multitude. At their imperious command, Heracleonas appeared in the pulpit with the eldest of the royal orphans; Constans alone was saluted as emperor of the Romans, and a crown of gold, which had been taken from the tomb of Heraclius, was placed on his head, with the solemn benediction of the patriarch. But in the tumult of joy and indignation, the church was pilaged, the sanctuary was polluted by a promiscuous crowd of Jews and Barbarians; and the Monothelite Pyrrhus, a creature of the empress, after dropping a protestation on the altar, escaped by a prudent flight from the zeal of the Catholics. A more serious and bloody task was reserved for the senate, which derived a temporary strength from the consent of the

instant death of the tyrant. But Leontius, who was already clothed with the purple, cast an eye of pity on the prostrate son of his own benefactor and of so many emperors. The life of Justinian was spared; the amputation of his nose, perhaps of his tongue, was imperfectly performed: the happy flexibility of the Greek language could impose the name of Rhinotmetus; and the mutilated tyrant was banished to Chersonæ in Crim-Tartary, a lonely settlement, where corn, wine, and oil, were imported as foreign luxuries.

On the edge of the Scythian wilderness, Justinian still cherished the pride of his birth, and the hope of his restoration. After three years' exile, he received the pleasing intelligence that his injury was avenged by a second revolution, and that Leontius in his turn had been dethroned and mutilated by the rebel Apsimar, who assumed the more respectable name of Tiberius. But the claim of lineal succession was still formidable to a plebeian usurper; and his jealousy was stimulated by the complaints and charges of the Chersonites, who beheld the vices of the tyrant in the spirit of the exile. With a band of followers, attached to his person by common hope or common despair, Justinian fled from the inhospitable shore to the horde of the Chozars, who pitched their tents between the Tanais and Borysthenes. The khan entertained with pity and respect the royal suppliant: Phanagoria, once an opulent city, on the Asiatic side of the lake Mæotis, was assigned for his residence; and every Roman prejudice was stifled in his marriage with the sister of the Barbarian, who seems, however, from the name of Theodora, to have received the sacrament of baptism. But the faithless Chozar was soon tempted by the gold of Constantinople: and had not the design been revealed by the conjugal love of Theodora, her husband must have been assassinated or betrayed into the power of his enemies. After strangling, with his own hands, the two emissaries of the khan, Justinian sent back his wife to her brother, and embarked on the Euxine in search of new and more faithful allies. His vessel was assailed by a violent tempest; and one of his pious companions advised him to deserve the mercy of God by a vow of general forgiveness, if he should be restored to the throne. "Of forgiveness?" replied the intrepid tyrant: "may I perish this instant—may the Almighty whelm me in the waves—if I consent to spare a single head of my enemies!" He survived this impious menace, sailed into the mouth of the

Danube, trusted his person in the royal village of the Bulgarians, and purchased the aid of Terbelis, a pagan conqueror, by the promise of his daughter and a fair partition of the treasures of the empire. The Bulgarian kingdom extended to the confines of Thrace; and the two princes besieged Constantinople at the head of fifteen thousand horse. Apsimar was dismayed by the sudden and hostile apparition of his rival, whose head had been promised by the Chozar, and of whose evasion he was yet ignorant. After an absence of ten years, the crimes of Justinian were faintly remembered, and the birth and misfortunes of their hereditary sovereign excited the pity of the multitude, ever discontented with the ruling powers; and by the active diligence of his adherents, he was introduced into the city and palace of Constantine.

In rewarding his allies, and recalling his wife, Justinian displayed some sense of honor and gratitude;\* and Terbelis retired, after sweeping away a heap of gold coin, which he measured with his Scythian whip. But never was vow more religiously performed than the sacred oath of revenge which he had sworn amidst the storms of the Euxine. The two usurpers (for I must reserve the name of tyrant for the conqueror) were dragged into the hippodrome, the one from his prison, the other from his palace. Before their execution, Leontius and Apsimar were cast prostrate in chains beneath the throne of the emperor; and Justinian, planting a foot on each of their necks, contemplated above an hour the chariot-race, while the inconstant people shouted, in the words of the Psalmist, "Thou shalt trample on the asp and basilisk, and on the lion and dragon shalt thou set thy foot!" The universal defection which he had once experienced might provoke him to repeat the wish of Caligula, that the Roman people had but one head. Yet I shall presume to observe, that such a wish is unworthy of an ingenious tyrant, since his revenge and cruelty would have been extinguished by a single blow, instead of the slow variety of tortures which Justinian inflicted on the victims of his anger. His pleasures were inexhaustible: neither private virtue nor public service could expiate the guilt of active, or even passive, obedience to an established government; and, during the six years of his new reign, he considered the axe, the cord, and the rack, as the

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\* Of fear rather than of more generous motives. Compare *Le Boss* vol. xii. p. 64.--M.

only instruments of royalty. But his most implacable hatred was pointed against the Chersonites, who had insulted his exile and violated the laws of hospitality. Their remote situation afforded some means of defence, or at least of escape; and a grievous tax was imposed on Constantinople, to supply the preparations of a fleet and army. "All are guilty, and all must perish," was the mandate of Justinian; and the bloody execution was intrusted to his favorite Stephen, who was recommended by the epithet of the savage. Yet even the savage Stephen imperfectly accomplished the intentions of his sovereign. The slowness of his attack allowed the greater part of the inhabitants to withdraw into the country; and the minister of vengeance contented himself with reducing the youth of both sexes to a state of servitude, with roasting alive seven of the principal citizens, with drowning twenty in the sea, and with reserving forty-two in chains to receive their doom from the mouth of the emperor. In their return, the fleet was driven on the rocky shores of Anatolia; and Justinian applauded the obedience of the Euxine, which had involved so many thousands of his subjects and enemies in a common shipwreck: but the tyrant was still insatiate of blood; and a second expedition was commanded to extirpate the remains of the proscribed colony. In the short interval, the Chersonites had returned to their city, and were prepared to die in arms; the khan of the Chozars had renounced the cause of his odious brother; the exiles of every province were assembled in Tauris; and Bardanes, under the name of Philippicus, was invested with the purple. The Imperial troops, unwilling and unable to perpetrate the revenge of Justinian, escaped his displeasure by abjuring his allegiance: the fleet, under their new sovereign, steered back a more auspicious course to the harbors of Sinope and Constantinople; and every tongue was prompt to pronounce, every hand to execute, the death of the tyrant. Destitute of friends, he was deserted by his Barbarian guards; and the stroke of the assassin was praised as an act of patriotism and Roman virtue. His son Tiberius had taken refuge in a church; his aged grandmother guarded the door; and the innocent youth, suspending round his neck the most formidable relics, embraced with one hand the altar, with the other the wood of the true cross. But the popular fury that dares to trample on superstition, is deaf to the cries of humanity: and the race of Heraclius was extinguished after a reign of one hundred years.

Between the fall of the Heraclian and the rise of the Isaurian dynasty, a short interval of six years is divided into three reigns. Bardanes, or Philippicus, was hailed at Constantinople as a hero who had delivered his country from a tyrant; and he might taste some moments of happiness in the first transports of sincere and universal joy. Justinian had left behind him an ample treasure, the fruit of cruelty and rapine: but this useful fund was soon and idly dissipated by his successor. On the festival of his birthday, Philippicus entertained the multitude with the games of the hippodrome; from thence he paraded through the streets with a thousand banners and a thousand trumpets; refreshed himself in the baths of Zeuxippus, and returning to the palace, entertained his nobles with a sumptuous banquet. At the meridian hour he withdrew to his chamber, intoxicated with flattery and wine, and forgetful that his example had made every subject ambitious, and that every ambitious subject was his secret enemy. Some bold conspirators introduced themselves in the disorder of the feast; and the slumbering monarch was surprised, bound, blinded, and deposed, before he was sensible of his danger. Yet the traitors were deprived of their reward; and the free voice of the senate and people promoted Artemius from the office of secretary to that of emperor: he assumed the title of Anastasius the Second, and displayed in a short and troubled reign the virtues both of peace and war. But after the extinction of the Imperial line, the rule of obedience was violated, and every change diffused the seeds of new revolutions. In a mutiny of the fleet, an obscure and reluctant officer of the revenue was forcibly invested with the purple: after some months of a naval war, Anastasius resigned the sceptre; and the conqueror, Theodosius the Third, submitted in his turn to the superior ascendant of Leo, the general and emperor of the Oriental troops. His two predecessors were permitted to embrace the ecclesiastical profession: the restless impatience of Anastasius tempted him to risk and to lose his life in a treasonable enterprise; but the last days of Theodosius were honorable and secure. The single sublime word, "HEALTH," which he inscribed on his tomb, expresses the confidence of philosophy or religion; and the fame of his miracles was long preserved among the people of Ephesus. This convenient shelter of the church might sometimes impose a lesson of clemency; but it may be questioned whether

it is for the public interest to diminish the perils of unsuccessful ambition.

I have dwelt on the fall of a tyrant; I shall briefly represent the founder of a new dynasty, who is known to posterity by the invectives of his enemies, and whose public and private life is involved in the ecclesiastical story of the Iconoclasts. Yet in spite of the clamors of superstition, a favorable prejudice for the character of Leo the Isaurian may be reasonably drawn from the obscurity of his birth, and the duration of his reign.—I. In an age of manly spirit, the prospect of an Imperial reward would have kindled every energy of the mind, and produced a crowd of competitors as deserving as they were desirous to reign. Even in the corruption and debility of the modern Greeks, the elevation of a plebeian from the last to the first rank of society, supposes some qualifications above the level of the multitude. He would probably be ignorant and disdainful of speculative science; and, in the pursuit of fortune, he might absolve himself from the obligations of benevolence and justice; but to his character we may ascribe the useful virtues of prudence and fortitude, the knowledge of mankind, and the important art of gaining their confidence and directing their passions. It is agreed that Leo was a native of Isauria, and that Conon was his primitive name. The writers, whose awkward satire is praise, describe him as an itinerant pedler, who drove an ass with some paltry merchandise to the country fairs; and foolishly relate that he met on the road some Jewish fortune-tellers, who promised him the Roman empire, on condition that he should abolish the worship of idols. A more probable account relates the migration of his father from Asia Minor to Thrace, where he exercised the lucrative trade of a grazier; and he must have acquired considerable wealth, since the first introduction of his son was procured by a supply of five hundred sheep to the Imperial camp. His first service was in the guards of Justinian, where he soon attracted the notice, and by degrees the jealousy, of the tyrant. His valor and dexterity were conspicuous in the Colchian war: from Anastasius he received the command of the Anatolian legions, and by the suffrage of the soldiers he was raised to the empire with the general applause of the Roman world.—II. In this dangerous elevation, Leo the Third supported himself against the envy of his equals, the



discontent of a powerful faction, and the assaults of his foreign and domestic enemies. The Catholics, who accuse his religious innovations, are obliged to confess that they were undertaken with temper and conducted with firmness. Their silence respects the wisdom of his administration and the purity of his manners. After a reign of twenty-four years, he peaceably expired in the palace of Constantinople; and the purple which he had acquired was transmitted by the right of inheritance to the third generation.\*

In a long reign of thirty-four years, the son and successor of Leo, Constantine the Fifth, surnamed Copronymus, attacked with less temperate zeal the images or idols of the church. Their votaries have exhausted the bitterness of religious gall, in their portrait of this spotted panther, this antichrist, this flying dragon of the serpent's seed, who surpassed the vices of Elagabalus and Nero. His reign was a long butchery of whatever was most noble, or holy, or innocent, in his empire. In person, the emperor assisted at the execution of his victims, surveyed their agonies, listened to their groans, and indulged, without satiating, his appetite for blood: a plate of noses was accepted as a grateful offering, and his domestics were often scourged or mutilated by the royal hand. His surname was derived from his pollution of his baptismal font. The infant might be excused; but the manly pleasures of Copronymus degraded him below the level of a brute; his lust confounded the eternal distinctions of sex and species, and he seemed to extract some unnatural delight from the objects most offensive to human sense. In his religion the Iconoclast was a Heretic, a Jew, a Mahometan, a Pagan, and an Atheist; and his belief of an invisible power could be discovered only in his magic rites, human victims, and nocturnal sacrifices to Venus and the dæmons of antiquity. His life was stained with the most opposite vices, and the ulcers which covered his body, anticipated before his death the sentiment of hell-tortures. Of these accusations, which I have so patiently copied, a part is refuted by

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\* During the latter part of his reign, the hostilities of the Saracens, who invested a Pergamenian, named Tiberius, with the purple, and proclaimed him as the son of Justinian, and an earthquake, which destroyed the walls of Constantinople, compelled Leo greatly to increase the burdens of taxation upon his subjects. A twelfth was exacted in addition to every *sareus* (*νομισμα*) as a wall tax. Theophanes p. 275 Schlosser. Bilder stürmte Kaiser, p. 197.—M.

its own absurdity ; and in the private anecdotes of the life of the princes, the lie is more easy as the detection is more difficult. Without adopting the pernicious maxim, that where much is alleged, something must be true, I can however discern, that Constantine the Fifth was dissolute and cruel. Calumny is more prone to exaggerate than to invent ; and her licentious tongue is checked in some measure by the experience of the age and country to which she appeals. Of the bishops and monks, the generals and magistrates, who are said to have suffered under his reign, the numbers are recorded, the names were conspicuous, the execution was public, the mutilation visible and permanent.\* The Catholics hated the person and government of Copronymus ; but even their hatred is a proof of their oppression. They dissembled the provocations which might excuse or justify his rigor, but even these provocations must gradually inflame his resent ment and harden his temper in the use or the abuse of despotism. Yet the character of the fifth Constantine was not devoid of merit, nor did his government always deserve the curses or the contempt of the Greeks. From the confession of his enemies, I am informed of the restoration of an ancient aqueduct, of the redemption of two thousand five hundred captives, of the uncommon plenty of the times, and of the new colonies with which he re peopled Constantinople and the Thracian cities. They reluctantly praise his activity and courage ; he was on horseback in the field at the head of his legions ; and, although the fortune of his arms was various, he triumphed by sea and land, on the Euphrates and the Danube, in civil and Barbarian war. Heretical praise must be cast into the scale to counterbalance the weight of orthodox invective. The Iconoclasts revered the virtues of the prince : forty years after his death they still prayed before the tomb of the saint. A miraculous vision was propagated by fanaticism or fraud : and the Christian hero appeared on a milk-white steed, brandishing his lance against the Pagans of Bulgaria : " An absurd fable," says the Catholic historian, "since Copronymus is chained with the dæmons in the abyss of hell."

\* He is accused of burning the library of Constantinople, founded by Julian, with its president and twelve professors. This eastern Sorbonne had discomfited the Imperial theologians on the great question of image-worship. Schlosser observes that this accidental fire took place six years after the emperor had laid the question of image-worship before the professors. Bilder stürm und Kaiser, p. 294. Compare Le Beau, vol. xii p. 156.—M.

Leo the Fourth, the son of the fifth and the father of the sixth Constantine, was of a feeble constitution both of mind \* and body, and the principal care of his reign was the settlement of the succession. The association of the young Constantine was urged by the officious zeal of his subjects; and the emperor, conscious of his decay, complied, after a prudent hesitation, with their unanimous wishes. The royal infant, at the age of five years, was crowned with his mother Irene; and the national consent was ratified by every circumstance of pomp and solemnity, that could dazzle the eyes or bind the conscience of the Greeks. An oath of fidelity was administered in the palace, the church, and the hippodrome, to the several orders of the state, who adjured the holy names of the Son, and mother of God. "Be witness, O Christ! that we will watch over the safety of Constantine the son of Leo, expose our lives in his service, and bear true allegiance to his person and posterity." They pledged their faith on the wood of the true cross, and the act of their engagement was deposited on the altar of St. Sophia. The first to swear, and the first to violate their oath, were the five sons of Copronymus by a second marriage; and the story of these princes is singular and tragic. The right of primogeniture excluded them from the throne; the injustice of their elder brother defrauded them of a legacy of about two millions sterling; some vain titles were not deemed a sufficient compensation for wealth and power; and they repeatedly conspired against their nephew, before and after the death of his father. Their first attempt was pardoned; for the second offence † they were condemned to the ecclesiastical state; and for the third treason, Nicephorus, the eldest and most guilty, was deprived of his eyes, and his four brothers, Christopher, Nicetas, Anthemeus, and Eudoxas, were punished, as a milder sentence, by the amputation of their tongues. After five years' confinement, they escaped to the church of St. Sophia, and displayed a pathetic spectacle to the people. "Countrymen and Christians," cried Nicephorus for himself and his mute brethren, "behold the sons of your emperor, if you can still recognize our features in this miserable state. A life, an imperfect life,

\* Schlosser thinks more highly of Leo's mind; but his only proof of his superiority is the successes of his generals against the Saracens. Schlosser, p. 256.—M.

† The second offence was on the accession of the young Constantine  
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is all that the malice of our enemies has spared. It is now threatened, and we now throw ourselves on your compassion." The rising murmur might have produced a revolution, had it not been checked by the presence of a minister, who soothed the unhappy princes with flattery and hope, and gently drew them from the sanctuary to the palace. They were speedily embarked for Greece, and Athens was allotted for the place of their exile. In this calm retreat, and in their helpless condition, Nicephorus and his brothers were tormented by the thirst of power, and tempted by a Slavonian chief, who offered to break their prison, and to lead them in arms, and in the purple, to the gates of Constantinople. But the Athenian people, ever zealous in the cause of Irene, prevented her justice or cruelty; and the five sons of Copronymus were plunged in eternal darkness and oblivion.

For himself, that emperor had chosen a Barbarian wife, the daughter of the khan of the Chozars; but in the marriage of his heir, he preferred an Athenian virgin, an orphan, seventeen years old, whose sole fortune must have consisted in her personal accomplishments. The nuptials of Leo and Irene were celebrated with royal pomp; she soon acquired the love and confidence of a feeble husband, and in his testament he declared the empress guardian of the Roman world, and of their son Constantine the Sixth, who was no more than ten years of age. During his childhood, Irene most ably and assiduously discharged, in her public administration, the duties of a faithful mother; and her zeal in the restoration of images has deserved the name and honors of a saint, which she still occupies in the Greek calendar. But the emperor attained the maturity of youth; the maternal yoke became more grievous; and he listened to the favorites of his own age, who shared his pleasures, and were ambitious of sharing his power. Their reasons convinced him of his right, their praises of his ability, to reign; and he consented to reward the services of Irene by a perpetual banishment to the Isle of Sicily. But her vigilance and penetration easily disconcerted their rash projects: a similar, or more severe, punishment was retaliated on themselves and their advisers; and Irene inflicted on the ungrateful prince the chastisement of a boy. After this contest, the mother and the son were at the head of two domestic factions; and instead of mild influence and voluntary obedience, she held in chains a captive and an enemy. The empress was overthrown by the abuse of vic

tory; the oath of fidelity, which she exacted to herself alone, was pronounced with reluctant murmurs; and the bold refusal of the Armenian guards encouraged a free and general declaration, that Constantine the Sixth was the lawful emperor of the Romans. In this character he ascended his hereditary throne, and dismissed Irene to a life of solitude and repose. But her haughty spirit condescended to the arts of dissimulation: she flattered the bishops and eunuchs, revived the filial tenderness of the prince, regained his confidence, and betrayed his credulity. The character of Constantine was not destitute of sense or spirit; but his education had been studiously neglected; and the ambitious mother exposed to the public censure the vices which she had nourished, and the actions which she had secretly advised: his divorce and second marriage offended the prejudices of the clergy, and by his imprudent rigor he forfeited the attachment of the Armenian guards. A powerful conspiracy was formed for the restoration of Irene; and the secret, though widely diffused, was faithfully kept above eight months, till the emperor, suspicious of his danger, escaped from Constantinople, with the design of appealing to the provinces and armies. By this hasty flight, the empress was left on the brink of the precipice; yet before she implored the mercy of her son, Irene addressed a private epistle to the friends whom she had placed about his person, with a menace, that unless *they* accomplished, *she* would reveal, their treason. Their fear rendered them intrepid; they seized the emperor on the Asiatic shore, and he was transported to the porphyry apartment of the palace, where he had first seen the light. In the mind of Irene, ambition had stifled every sentiment of humanity and nature; and it was decreed in her bloody council, that Constantine should be rendered incapable of the throne: her emissaries assaulted the sleeping prince, and stabbed their daggers with such violence and precipitation into his eyes as if they meant to execute a mortal sentence. An ambiguous passage of Theophanes persuaded the annalist of the church that death was the immediate consequence of this barbarous execution. The Catholics have been deceived or subdued by the authority of Baronius; and Protestant zeal has echoed the words of a cardinal, desirous, as it should seem, to favor the patroness of images.\* Yet the blind son

\* Gibbon has been attacked on account of this statement, but is successfully defended by Schlosser. B. S. Kaiser p. 327. Compare Le Beau, c. xli p. 272.—M.

of Irene survived many years, oppressed by the court and forgotten by the world; the Isaurian dynasty was silently extinguished; and the memory of Constantine was recalled only by the nuptials of his daughter Euphrosyne with the emperor Michael the Second.

The most bigoted orthodoxy has justly execrated the unnatural mother, who may not easily be paralleled in the history of crimes. To her bloody deed superstition has attributed a subsequent darkness of seventeen days; during which many vessels in midday were driven from their course, as if the sun, a globe of fire so vast and so remote, could sympathize with the atoms of a revolving planet. On earth, the crime of Irene was left five years unpunished; her reign was crowned with external splendor; and if she could silence the voice of conscience, she neither heard nor regarded the reproaches of mankind. The Roman world bowed to the government of a female; and as she moved through the streets of Constantinople, the reins of four milk-white steeds were held by as many patricians, who marched on foot before the golden chariot of their queen. But these patricians were for the most part eunuchs; and their black ingratitude justified, on this occasion, the popular hatred and contempt. Raised, enriched, intrusted with the first dignities of the empire, they basely conspired against their benefactress; the great treasurer Nicephorus was secretly invested with the purple; her successor was introduced into the palace, and crowned at St. Sophia by the venal patriarch. In their first interview, she recapitulated with dignity the revolutions of her life, gently accused the perfidy of Nicephorus, insinuated that he owed his life to her unsuspecting clemency, and for the throne and treasures which she resigned, solicited a decent and honorable retreat. His avarice refused this modest compensation; and, in her exile of the Isle of Lesbos, the empress earned a scanty subsistence by the labors of her distaff.

Many tyrants have reigned undoubtedly more criminal than Nicephorus, but none perhaps have more deeply incurred the universal abhorrence of their people. His character was stained with the three odious vices of hypocrisy, ingratitude, and avarice: his want of virtue was not redeemed by any superior talents, nor his want of talents by any pleasing qualifications. Unskilful and unfortunate in war, Nicephorus was vanquished by the Saracens, and slain by the Bulgarians; and the advantage of his death overbalanced, in the public opinion,

the destruction of a Roman army.\* His son and heir Stauracius escaped from the field with a mortal wound; yet six months of an expiring life were sufficient to refute his indecent, though popular declaration, that he would in all things avoid the example of his father. On the near prospect of his decease, Michael, the great master of the palace, and the husband of his sister Procopia, was named by every person of the palace and city, except by his envious brother. Tenacious of a sceptre now falling from his hand, he conspired against the life of his successor, and cherished the idea of changing to a democracy the Roman empire. But these rash projects served only to inflame the zeal of the people and to remove the scruples of the candidate: Michael the First accepted the purple, and before he sunk into the grave the son of Nicephorus implored the clemency of his new sovereign. Had Michael in an age of peace ascended an hereditary throne, he might have reigned and died the father of his people: but his mild virtues were adapted to the shade of private life, nor was he capable of controlling the ambition of his equals, or of resisting the arms of the victorious Bulgarians. While his want of ability and success exposed him to the contempt of the soldiers, the masculine spirit of his wife Procopia awakened their indignation. Even the Greeks of the ninth century were provoked by the insolence of a female, who, in the front of the standards, presumed to direct their discipline and animate their valor; and their licentious clamors advised the new Semiramis to reverence the majesty of a Roman camp. After an unsuccessful campaign, the emperor left, in their winter-quarters of Thrace, a disaffected army under the command of his enemies; and their artful eloquence persuaded the soldiers to break the dominion of the eunuchs, to degrade the husband of Procopia, and to assert the right of a military election. They marched towards the capital: yet the clergy, the senate, and the people of Constantinople, adhered to the cause of Michael; and the troops and treasures of Asia might have protracted the mischiefs of civil war. But his humanity (by the ambitious it will be termed his weakness) protested that not a drop of Christian blood should be shed in his quarrel, and his messengers presented the conquerors with the keys of the city

\* The Syrian historian Aboulfaradj, Chron. Syr. p. 133, 139, speaks of him as a brave, prudent, and pious prince, formidable to the Arabs. St. Martin, c. xii. p. 402. Compare Schlosser, p. 350.—M.

vices of his origin; and Michael lost his provinces with as supine indifference as if they had been the inheritance of his fathers. His title was disputed by Thomas, the last of the military triumvirate, who transported into Europe fourscore thousand Barbarians from the banks of the Tigris and the shores of the Caspian. He formed the siege of Constantinople; but the capital was defended with spiritual and carnal weapons; a Bulgarian king assaulted the camp of the Orientals, and Thomas had the misfortune, or the weakness, to fall alive into the power of the conqueror. The hands and feet of the rebel were amputated; he was placed on an ass, and, amidst the insults of the people, was led through the streets, which he sprinkled with his blood. The depravation of manners, as savage as they were corrupt, is marked by the presence of the emperor himself. Deaf to the lamentation of a fellow-soldier, he incessantly pressed the discovery of more accomplices, till his curiosity was checked by the question of an honest or guilty minister: "Would you give credit to an enemy against the most faithful of your friends?" After the death of his first wife, the emperor, at the request of the senate, drew from her monastery Euphrosyne, the daughter of Constantine the Sixth. Her august birth might justify a stipulation in the marriage-contract, that her children should equally share the empire with their elder brother. But the nuptials of Michael and Euphrosyne were barren; and she was content with the title of mother of Theophilus, his son and successor.

The character of Theophilus is a rare example in which religious zeal has allowed, and perhaps magnified, the virtues of a heretic and a persecutor. His valor was often felt by the enemies, and his justice by the subjects, of the monarchy; but the valor of Theophilus was rash and fruitless, and his justice arbitrary and cruel. He displayed the banner of the cross against the Saracens; but his five expeditions were concluded by a signal overthrow: Amorium, the native city of his ancestors, was levelled with the ground and from his military toils he derived only the surname of the Unfortunate. The wisdom of a sovereign is comprised in the institution of laws and the choice of magistrates, and while he seems without action, his civil government revolves round his centre with the silence and order of the planetary system. But the justice of Theophilus was fashioned on the model of the Oriental despots, who, in personal and irregular acts of authority, con-



sult the reason or passion of the moment, without measuring the sentence by the law, or the penalty by the offence. A poor woman threw herself at the emperor's feet to complain of a powerful neighbor, the brother of the empress, who had raised his palace-wall to such an inconvenient height, that her humble dwelling was excluded from light and air! On the proof of the fact, instead of granting, like an ordinary judge, sufficient or ample damages to the plaintiff, the sovereign adjudged to her use and benefit the palace and the ground. Nor was Theophilus content with this extravagant satisfaction: his zeal converted a civil trespass into a criminal act; and the unfortunate patrician was stripped and scourged in the public place of Constantinople. For some venial offences, some defect of equity or vigilance, the principal ministers, a præfect, a quæstor, a captain of the guards, were banished or mutilated, or scalded with boiling pitch, or burnt alive in the hippodrome; and as these dreadful examples might be the effects of error or caprice, they must have alienated from his service the best and wisest of the citizens. But the pride of the monarch was flattered in the exercise of power, or, as he thought, of virtue; and the people, safe in their obscurity, applauded the danger and debasement of their superiors. This extraordinary rigor was justified, in some measure, by its salutary consequences; since, after a scrutiny of seventeen days, not a complaint or abuse could be found in the court or city; and it might be alleged that the Greeks could be ruled only with a rod of iron, and that the public interest is the motive and law of the supreme judge. Yet in the crime, or the suspicion, of treason, that judge is of all others the most credulous and partial. Theophilus might inflict a tardy vengeance on the assassins of Leo and the saviors of his father; but he enjoyed the fruits of their crime; and his jealous tyranny sacrificed a brother and a prince to the future safety of his life. A Persian of the race of the Sassanides died in poverty and exile at Constantinople, leaving an only son, the issue of a plebeian marriage. At the age of twelve years, the royal birth of Theophobus was revealed, and his merit was not unworthy of his birth. He was educated in the Byzantine palace, a Christian and a soldier; advanced with rapid steps in the career of fortune and glory; received the hand of the emperor's sister; and was promoted to the command of thirty thousand Persians, who, like his father, had fled from the Mahometan conquerors. These troops, doubly infected with

mercenary and fanatic vices, were desirous of revolting against their benefactor, and erecting the standard of their native king but the loyal Theophobus rejected their offers, disconcerted their schemes, and escaped from their hands to the camp or palace of his royal brother. A generous confidence might have secured a faithful and able guardian for his wife and his infant son, to whom Theophilus, in the flower of his age, was compelled to leave the inheritance of the empire. But his jealousy was exasperated by envy and disease; he feared the dangerous virtues which might either support or oppress their infancy and weakness; and the dying emperor demanded the head of the Persian prince. With savage delight he recognized the familiar features of his brother: "Thou art no longer Theophobus," he said; and, sinking on his couch, he added, with a faltering voice, "Soon, too soon, I shall be no more Theophilus!"

The Russians, who have borrowed from the Greeks the greatest part of their civil and ecclesiastical policy, preserved, till the last century, a singular institution in the marriage of the Czar. They collected, not the virgins of every rank and of every province, a vain and romantic idea, but the daughters of the principal nobles, who awaited in the palace the choice of their sovereign. It is affirmed, that a similar method was adopted in the nuptials of Theophilus. With a golden apple in his hand, he slowly walked between two lines of contending beauties: his eye was detained by the charms of Icasia, and in the awkwardness of a first declaration, the prince could only observe, that, in this world, women had been the cause of much evil; "And surely, sir," she pertly replied, "they have likewise been the occasion of much good." This affectation of unseasonable wit displeased the Imperial lover: he turned aside in disgust; Icasia concealed her mortification in a convent; and the modest silence of Theodora was rewarded with the golden apple. She deserved the love, but did not escape the severity, of her lord. From the palace garden he beheld a vessel deeply laden, and steering into the port: on the discovery that the precious cargo of Syrian luxury was the property of his wife, he condemned the ship to the flames, with a sharp reproach, that her avarice had degraded the character of an empress into that of a merchant. Yet his last choice intrusted her with the guardianship of the empire and her son Michael, who was left an orphan in the fifth year of his age. The restoration of

images, and the final extirpation of the Iconoclasts, has endeared her name to the devotion of the Greeks ; but in the fervor of religious zeal, Theodora entertained a grateful regard for the memory and salvation of her husband. After thirteen years of a prudent and frugal administration, she perceived the decline of her influence ; but the second Irene imitated only the virtues of her predecessor. Instead of conspiring against the life or government of her son, she retired, without a struggle, though not without a murmur, to the solitude of private life, deploring the ingratitude, the vices, and the inevitable ruin, of the worthless youth.

Among the successors of Nero and Elagabalus, we have not hitherto found the imitation of their vices, the character of a Roman prince who considered pleasure as the object of life, and virtue as the enemy of pleasure. Whatever might have been the maternal care of Theodora in the education of Michael the Third, her unfortunate son was a king before he was a man. If the ambitious mother labored to check the progress of reason, she could not cool the ebullition of passion ; and her selfish policy was justly repaid by the contempt and ingratitude of the headstrong youth. At the age of eighteen, he rejected her authority, without feeling his own incapacity to govern the empire and himself. With Theodora, all gravity and wisdom retired from the court ; their place was supplied by the alternate dominion of vice and folly ; and it was impossible, without forfeiting the public esteem, to acquire or preserve the favor of the emperor. The millions of gold and silver which had been accumulated for the service of the state, were lavished on the vilest of men, who flattered his passions and shared his pleasures ; and in a reign of thirteen years, the richest of sovereigns was compelled to strip the palace and the churches of their precious furniture. Like Nero, he delighted in the amusements of the theatre, and sighed to be surpassed in the accomplishments in which he should have blushed to excel. Yet the studies of Nero in music and poetry betrayed some symptoms of a liberal taste ; the more ignoble arts of the son of Theophilus were confined to the chariot-race of the hippodrome. The four factions which had agitated the peace, still amused the idleness, of the capital : for himself, the emperor assumed the blue livery ; the three rival colors were distributed to his favorites, and in the vile though eager contention he forgot the dignity of his person and the safety of his dominions. He silenced the

messenger of an invasion, who presumed to divert his attention in the most critical moment of the race; and by his command, the importunate beacons were extinguished, that too frequently spread the alarm from Tarsus to Constantinople. The most skilful charioteers obtained the first place in his confidence and esteem; their merit was profusely rewarded the emperor feasted in their houses, and presented their children at the baptismal font; and while he applauded his own popularity, he affected to blame the cold and stately reserve of his predecessors. The unnatural lusts which had degraded even the manhood of Nero, were banished from the world; yet the strength of Michael was consumed by the indulgence of love and intemperance.\* In his midnight revels, when his passions were inflamed by wine, he was provoked to issue the most sanguinary commands; and if any feelings of humanity were left, he was reduced, with the return of sense, to approve the salutary disobedience of his servants. But the most extraordinary feature in the character of Michael, is the profane mockery of the religion of his country. The superstition of the Greeks might indeed excite the smile of a philosopher; but his smile would have been rational and temperate, and he must have condemned the ignorant folly of a youth who insulted the objects of public veneration. A buffoon of the court was invested in the robes of the patriarch: his twelve metropolitans, among whom the emperor was ranked, assumed their ecclesiastical garments: they used or abused the sacred vessels of the altar; and in their bacchanalian feasts, the holy communion was administered in a nauseous compound of vinegar and mustard. Nor were these impious spectacles concealed from the eyes of the city. On the day of a solemn festival, the emperor, with his bishops or buffoons, rode on asses through the streets, encountered the true patriarch at the head of his clergy; and by their licentious shouts and obscene gestures, disordered the gravity of the Christian procession. The devotion of Michael appeared only in some offence to reason or piety: he received his theatrical crowns from the statue of the Virgin; and an Imperial tomb was violated for the sake of burning the bones of Constantine the Iconoclast. By this extravagant conduct, the son of Theophilus became as contemptible as he was

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\* In a campaign against the Saracens, he betrayed both *imbecility* and *cowardice*. *Genesisius*, c. iv. p. 94.—M.

adious : every citizen was impatient for the deliverance of his country ; and even the favorites of the moment were apprehensive that a caprice might snatch away what a caprice had bestowed. In the thirtieth year of his age, and in the hour of intoxication and sleep, Michael the Third was murdered in his chamber by the founder of a new dynasty, whom the emperor had raised to an equality of rank and power.

The genealogy of Basil the Macedonian (if it be not the apurious offspring of pride and flattery) exhibits a genuine picture of the revolution of the most illustrious families. The Arsacides, the rivals of Rome, possessed the sceptre of the East near four hundred years : a younger branch of these Parthian kings continued to reign in Armenia ; and their royal descendants survived the partition and servitude of that ancient monarchy. Two of these, Artabanus and Chlienes, escaped or retired to the court of Leo the First : his bounty seated them in a safe and hospitable exile, in the province of Macedonia : Adrianople was their final settlement. During several generations they maintained the dignity of their birth ; and their Roman patriotism rejected the tempting offers of the Persian and Arabian powers, who recalled them to their native country. But their splendor was insensibly clouded by time and poverty ; and the father of Basil was reduced to a small farm, which he cultivated with his own hands : yet he scorned to disgrace the blood of the Arsacides by a plebeian alliance : his wife, a widow of Adrianople, was pleased to count among her ancestors the great Constantine ; and their royal infant was connected by some dark affinity of lineage or country with the Macedonian Alexander. No sooner was he born, than the cradle of Basil, his family, and his city, were swept away by an inundation of the Bulgarians : he was educated a slave in a foreign land ; and in this severe discipline, he acquired the hardiness of body and flexibility of mind which promoted his future elevation. In the age of youth or manhood he shared the deliverance of the Roman captives, who generously broke their fetters, marched through Bulgaria to the shores of the Euxine, defeated two armies of Barbarians, embarked in the ships which had been stationed for their reception, and returned to Constantinople, from whence they were distributed to their respective homes. But the freedom of Basil was naked and destitute : his farm was ruined by the calamities of war : after his father's death, his manual labor, or service, could no longer support a family of orphans and

The studious temper and retirement of Constantine disarmed the jealousy of power : his books and music, his pen and his pencil, were a constant source of amusement ; and if he could improve a scanty allowance by the sale of his pictures, if their price was not enhanced by the name of the artist, he was endowed with a personal talent, which few princes could employ in the hour of adversity.

The fall of Romanus was occasioned by his own vices and those of his children. After the decease of Christopher, his eldest son, the two surviving brothers quarrelled with each other, and conspired against their father. At the hour of noon, when all strangers were regularly excluded from the palace, they entered his apartment with an armed force, and conveyed him, in the habit of a monk, to a small island in the Propontis, which was peopled by a religious community. The rumor of this domestic revolution excited a tumult in the city ; but Porphyrogenitus alone, the true and lawful emperor, was the object of the public care ; and the sons of Lecapenus were taught, by tardy experience, that they had achieved a guilty and perilous enterprise for the benefit of their rival. Their sister Helena, the wife of Constantine, revealed, or supposed, their treacherous design of assassinating her husband at the royal banquet. His loyal adherents were alarmed, and the two usurpers were prevented, seized, degraded from the purple, and embarked for the same island and monastery where their father had been so lately confined. Old Romanus met them on the beach with a sarcastic smile, and, after a just reproach of their folly and ingratitude, presented his Imperial colleagues with an equal share of his water and vegetable diet. In the fortieth year of his reign, Constantine the Seventh obtained the possession of the Eastern world, which he ruled or seemed to rule, near fifteen years. But he was devoid of that energy of character which could emerge into a life of action and glory ; and the studies, which had amused and dignified his leisure, were incompatible with the serious duties of a sovereign. The emperor neglected the practice to instruct his son Romanus in the theory of government ; while he indulged the habits of intemperance and sloth, he dropped the reins of the administration into the hands of Helena his wife ; and, in the shifting scene of her favor and caprice, each minister was regretted in the promotion of a more worthless successor. Yet the birth and misfortunes of Constantine had endeared him to the Greeks ; they excused his failings ; they

respected his learning, his innocence, and charity, his love of justice; and the ceremony of his funeral was mourned with the unfeigned tears of his subjects. The body, according to ancient custom, lay in state in the vestibule of the palace; and the civil and military officers, the patricians, the senate, and the clergy approached in due order to adore and kiss the inanimate corpse of their sovereign. Before the procession moved towards the Imperial sepulchre, a herald proclaimed this awful admonition: "Arise, O king of the world, and obey the summons of the King of kings!"

The death of Constantine was imputed to poison; and his son Romanus, who derived that name from his maternal grandfather, ascended the throne of Constantinople. A prince who, at the age of twenty, could be suspected of anticipating his inheritance, must have been already lost in the public esteem; yet Romanus was rather weak than wicked; and the largest share of the guilt was transferred to his wife, Theophano, a woman of base origin masculine spirit, and flagitious manners. The sense of personal glory and public happiness, the true pleasures of royalty, were unknown to the son of Constantine; and, while the two brothers, Nicephorus and Leo, triumphed over the Saracens, the hours which the emperor owed to his people were consumed in strenuous idleness. In the morning he visited the circus; at noon he feasted the senators; the greater part of the afternoon he spent in the *sphæristerium*, or tennis-court, the only theatre of his victories; from thence he passed over to the Asiatic side of the Bosphorus, hunted and killed four wild boars of the largest size, and returned to the palace, proudly content with the labors of the day. In strength and beauty he was conspicuous above his equals: tall and straight as a young cypress, his complexion was fair and florid, his eyes sparkling, his shoulders broad, his nose long and aquiline. Yet even these perfections were insufficient to fix the love of Theophano; and, after a reign of four\* years, she mingled for her husband the same deadly draught which she had composed for his father.

By his marriage with this impious woman, Romanus the younger left two sons, Basil the Second and Constantine the Ninth, and two daughters, Theophano and Anne. The eldest

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Three years and five months. Leo Diaconus in Niebuhr. Bys. Hist. p. 30—M.

of Chrysochir. That odious head, which had been obtained by treason rather than by valor, was suspended from a tree, and thrice exposed to the dexterity of the Imperial archer; a base revenge against the dead, more worthy of the times than of the character of Basil. But his principal merit was in the civil administration of the finances and of the laws. To replenish an exhausted treasury, it was proposed to resume the lavish and ill-placed gifts of his predecessor: his prudence abated one moiety of the restitution; and a sum of twelve hundred thousand pounds was instantly procured to answer the most pressing demands, and to allow some space for the mature operations of economy. Among the various schemes for the improvement of the revenue, a new mode was suggested of capitation, or tribute, which would have too much depended on the arbitrary discretion of the assessors. A sufficient list of honest and able agents was instantly produced by the minister; but on the more careful scrutiny of Basil himself, only two could be found, who might be safely intrusted with such dangerous powers; but they justified his esteem by declining his confidence. But the serious and successful diligence of the emperor established by degrees the equitable balance of property and payment, of receipt and expenditure; a peculiar fund was appropriated to each service; and a public method secured the interest of the prince and the property of the people. After reforming the luxury, he assigned two patrimonial estates to supply the decent plenty, of the Imperial table: the contributions of the subject were reserved for his defence; and the residue was employed in the embellishment of the capital and provinces. A taste for building, however costly, may deserve some praise and much excuse: from thence industry is fed, art is encouraged, and some object is attained of public emolument or pleasure: the use of a road, an aqueduct, or a hospital, is obvious and solid; and the hundred churches that arose by the command of Basil were consecrated to the devotion of the age. In the character of a judge he was assiduous and impartial; desirous to save, but not afraid to strike: the oppressors of the people were severely chastised; but his personal foes, whom it might be unsafe to pardon, were condemned, after the loss of their eyes, to a life of solitude and repentance. The change of language and manners demanded a revision of the obsolete jurisprudence of Justinian: the voluminous body of his *Institutes*, *Pandects*, *Code*, and *Novels*, was digested under forty



titles, in the Greek idiom; and the *Basilics*, which were improved and completed by his son and grandson, must be referred to the original genius of the founder of their race. This glorious reign was terminated by an accident in the chase. A furious stag entangled his horns in the belt of Basil, and raised him from his horse: he was rescued by an attendant, who cut the belt and slew the animal; but the fall, or the fever, exhausted the strength of the aged monarch, and he expired in the palace amidst the tears of his family and people. If he struck off the head of the faithful servant for presuming to draw his sword against his sovereign, the pride of despotism, which had lain dormant in his life, revived in the last moments of despair, when he no longer wanted or valued the opinion of mankind.

Of the four sons of the emperor, Constantine died before his father, whose grief and credulity were amused by a flattering impostor and a vain apparition. Stephen, the youngest, was content with the honors of a patriarch and a saint; both Leo and Alexander were alike invested with the purple, but the powers of government were solely exercised by the elder brother. The name of Leo the Sixth has been dignified with the title of *philosopher*; and the union of the prince and the sage, of the active and speculative virtues, would indeed constitute the perfection of human nature. But the claims of Leo are far short of this ideal excellence. Did he reduce his passions and appetites under the dominion of reason? His life was spent in the pomp of the palace, in the society of his wives and concubines; and even the clemency which he showed, and the peace which he strove to preserve, must be imputed to the softness and indolence of his character. Did he subdue his prejudices, and those of his subjects? His mind was tinged with the most puerile superstition; the influence of the clergy, and the errors of the people, were consecrated by his laws; and the oracles of Leo, which reveal, in prophetic style, the fates of the empire, are founded on the arts of astrology and divination. If we still inquire the reason of his sage appellation, it can only be replied, that the son of Basil was less ignorant than the greater part of his contemporaries in church and state; that his education had been directed by the learned Photius; and that several books of profane and ecclesiastical science were composed by the pen, or in the name, of the Imperial *philosopher*. But the reputation of his philosophy and religion was overthrown by a domestic

vice, the repetition of his nuptials. The primitive ideas of the merit and holiness of celibacy were preached by the monks and entertained by the Greeks. Marriage was allowed as a necessary means for the propagation of mankind; after the death of either party, the survivor might satisfy, by a *second* union, the weakness or the strength of the flesh: but a *third* marriage was censured as a state of legal fornication; and a *fourth* was a sin or scandal as yet unknown to the Christians of the East. In the beginning of his reign, Leo himself had abolished the state of concubines, and condemned, without annulling, third marriages: but his patriotism and love soon compelled him to violate his own laws, and to incur the penance, which in a similar case he had imposed on his subjects. In his three first alliances, his nuptial bed was unfruitful; the emperor required a female companion, and the empire a legitimate heir. The beautiful Zoe was introduced into the palace as a concubine; and after a trial of her fecundity, and the birth of Constantine, her lover declared his intention of legitimating the mother and the child, by the celebration of his fourth nuptials. But the patriarch Nicholas refused his blessing: the Imperial baptism of the young prince was obtained by a promise of separation; and the contumacious husband of Zoe was excluded from the communion of the faithful. Neither the fear of exile, nor the desertion of his brethren, nor the authority of the Latin church, nor the danger of failure or doubt in the succession to the empire, could bend the spirit of the inflexible monk. After the death of Leo, he was recalled from exile to the civil and ecclesiastical administration; and the edict of union which was promulgated in the name of Constantine, condemned the future scandal of fourth marriages, and left a tacit imputation on his own birth.

In the Greek language, *purple* and *porphyry* are the same word: and as the colors of nature are invariable, we may learn, that a dark deep red was the Tyrian dye which stained the purple of the ancients. An apartment of the Byzantine palace was lined with porphyry: it was reserved for the use of the pregnant empresses; and the royal birth of their children was expressed by the appellation of *porphyrogenite*, or born in the purple. Several of the Roman princes had been blessed with an heir; but this peculiar surname was first applied to Constantine the Seventh. His life and titular reign were of equal duration; but of fifty-four years, six had

elapsed before his father's death; and the son of Leo was ever the voluntary or reluctant subject of those who oppressed his weakness or abused his confidence. His uncle Alexander, who had long been invested with the title of Augustus, was the first colleague and governor of the young prince: but in a rapid career of vice and folly, the brother of Leo already emulated the reputation of Michael; and when he was extinguished by a timely death, he entertained a project of castrating his nephew, and leaving the empire to a worthless favorite. The succeeding years of the minority of Constantine were occupied by his mother Zoe, and a succession or council of seven regents, who pursued their interest, gratified their passions, abandoned the republic, supplanted each other, and finally vanished in the presence of a soldier. From an obscure origin, Romanus Lecapenus had raised himself to the command of the naval armies; and in the anarchy of the times, had deserved, or at least had obtained, the national esteem. With a victorious and affectionate fleet, he sailed from the mouth of the Danube into the harbor of Constantinople, and was hailed as the deliverer of the people, and the guardian of the prince. His supreme office was at first defined by the new appellation of father of the emperor; but Romanus soon disdained the subordinate powers of a minister, and assumed with the titles of Cæsar and Augustus, the full independence of royalty, which he held near five-and-twenty years. His three sons, Christopher, Stephen, and Constantine were successively adorned with the same honors, and the lawful emperor was degraded from the first to the fifth rank in this college of princes. Yet, in the preservation of his life and crown, he might still applaud his own fortune and the clemency of the usurper. The examples of ancient and modern history would have excused the ambition of Romanus: the powers and the laws of the empire were in his hand; the spurious birth of Constantine would have justified his exclusion; and the grave or the monastery was open to receive the son of the concubine. But Lecapenus does not appear to have possessed either the virtues or the vices of a tyrant. The spirit and activity of his private life dissolved away in the sunshine of the throne; and in his licentious pleasures, he forgot the safety both of the republic and of his family. Of a mild and religious character, he respected the sanctity of oaths, the innocence of the youth, the memory of his parents, and the attachment of the people.

not suffer their royal pupil to sleep in the palace. His long and frequent expeditions against the Saracens were rather glorious than useful to the empire; but the final destruction of the kingdom of Bulgaria appears, since the time of Belisarius, the most important triumph of the Roman arms. Yet, instead of applauding their victorious prince, his subjects detested the rapacious and rigid avarice of Basil; and in the imperfect narrative of his exploits, we can only discern the courage, patience, and ferociousness of a soldier. A vicious education, which could not subdue his spirit, had clouded his mind; he was ignorant of every science; and the remembrances of his learned and feeble grandsire might encourage his real or affected contempt of laws and lawyers, of artists and arts. Of such a character, in such an age, superstition took a firm and lasting possession; after the first license of his youth, Basil the Second devoted his life, in the palace and the camp, to the penance of a hermit, wore the monastic habit under his robes and armor, observed a vow of continence, and imposed on his appetites a perpetual abstinence from wine and flesh. In the sixty-eighth year of his age, his martial spirit urged him to embark in person for a holy war against the Saracens of Sicily; he was prevented by death, and Basil, surnamed the Slayer of the Bulgarians, was dismissed from the world with the blessings of the clergy and the curse of the people. After his decease, his brother Constantine enjoyed, about three years, the power, or rather the pleasures, of royalty; and his only care was the settlement of the succession. He had enjoyed sixty-six years the title of Augustus; and the reign of the two brothers is the longest, and most obscure, of the Byzantine history.

A lineal succession of five emperors, in a period of one hundred and sixty years, had attached the loyalty of the Greeks to the Macedonian dynasty, which had been thrice respected by the usurpers of their power. After the death of Constantine the Ninth, the last male of the royal race, a new and broken scene presents itself, and the accumulated years of twelve emperors do not equal the space of his single reign. His elder brother had preferred his private chastity to the public interest, and Constantine himself had only three daughters; Endocia, who took the veil, and Zoe and Theodora, who were preserved till a mature age in a state of ignorance and virginity. When their marriage was discussed in the council of their dying father, the cold or pious Theo-

cora refused to give an heir to the empire, but her sister Zoe presented herself a willing victim at the altar. Romanus Argyrus, a patrician of a graceful person and fair reputation, was chosen for her husband, and, on his declining that honor, was informed, that blindness or death was the second alternative. The motive of his reluctance was conjugal affection but his faithful wife sacrificed her own happiness to his safety and greatness; and her entrance into a monastery removed the only bar to the Imperial nuptials. After the decease of Constantine, the sceptre devolved to Romanus the Third; but his labors at home and abroad were equally feeble and fruitless; and the mature age, the forty-eight years of Zoe, were less favorable to the hopes of pregnancy than to the indulgence of pleasure. Her favorite chamberlain was a handsome Paphlagonian of the name of Michael, whose first trade had been that of a money-changer; and Romanus, either from gratitude or equity, connived at their criminal intercourse, or accepted a slight assurance of their innocence. But Zoe soon justified the Roman maxim, that every adulteress is capable of poisoning her husband; and the death of Romanus was instantly followed by the scandalous marriage and elevation of Michael the Fourth. The expectations of Zoe were, however, disappointed: instead of a vigorous and grateful lover, she had placed in her bed a miserable wretch, whose health and reason were impaired by epileptic fits, and whose conscience was tormented by despair and remorse. The most skilful physicians of the mind and body were summoned to his aid; and his hopes were amused by frequent pilgrimages to the baths, and to the tombs of the most popular saints; the monks applauded his penance, and, except restitution, (but to whom should he have restored?) Michael sought every method of expiating his guilt. While he groaned and prayed in sackcloth and ashes, his brother, the eunuch John, smiled at his remorse, and enjoyed the harvest of a crime of which himself was the secret and most guilty author. His administration was only the art of satiating his avarice, and Zoe became a captive in the palace of her fathers, and in the hands of her slaves. When he perceived the irretrievable decline of his brother's health, he introduced his nephew, another Michael, who derived his surname of Caiaphates from his father's occupation in the careening of vessels: at the command of the eunuch, Zoe adopted for her son the son of a mechanic; and this fictitious heir was in

vested with the title and purple of the Cæsars, in the presence of the senate and clergy. So feeble was the character of Zoe, that she was oppressed by the liberty and power which she recovered by the death of the Paphlagonian; and at the end of four days, she placed the crown on the head of Michael the Fifth, who had protested, with tears and oaths, that he should ever reign the first and most obedient of her subjects. The only act of his short reign was his base ingratitude to his benefactors, the eunuch and the empress. The disgrace of the former was pleasing to the public: but the murmurs, and at length the clamors, of Constantinople deplored the exile of Zoe, the daughter of so many emperors; her vices were forgotten, and Michael was taught, that there is a period in which the patience of the tamest slaves rises into fury and revenge. The citizens of every degree assembled in a formidable tumult which lasted three days; they besieged the palace, forced the gates, recalled their *mothers*, Zoe from her prison, Theodora from her monastery, and condemned the son of Calaphates to the loss of his eyes or of his life. For the first time the Greeks beheld with surprise the two royal sisters seated on the same throne, presiding in the senate, and giving audience to the ambassadors of the nations. But the singular union subsisted no more than two months; the two sovereigns, their tempers, interests, and adherents, were secretly hostile to each other; and as Theodora was still averse to marriage, the indefatigable Zoe, at the age of sixty, consented, for the public good, to sustain the embraces of a third husband, and the censures of the Greek church. His name and number were Constantine the Tenth, and the epithet of *Monomachus*, the single combatant, must have been expressive of his valor and victory in some public or private quarrel. But his health was broken by the tortures of the gout, and his dissolute reign was spent in the alternative of sickness and pleasure. A fair and noble widow had accompanied Constantine in his exile to the Isle of Lesbos, and Sclerena gloried in the appellation of his mistress. After his marriage and elevation, she was invested with the title and pomp of *Augusta*, and occupied a contiguous apartment in the palace. The lawful consort (such was the delicacy or corruption of Zoe) consented to this strange and scandalous partition; and the emperor appeared in public between his wife and his concubine. He survived them both; but the last measures of Constantine to change the order of succes-

sion were prevented by the more vigilant friends of Theodora; and after his decease, she resumed, with the general consent, the possession of her inheritance. In her name, and by the influence of four eunuchs, the Eastern world was peaceably governed about nineteen months; and as they wished to prolong their dominion, they persuaded the aged princess to nominate for her successor Michael the Sixth. The surname of *Stratioticus* declares his military profession; but the crazy and decrepit veteran could only see with the eyes, and execute with the hands, of his ministers. Whilst he ascended the throne, Theodora sunk into the grave; the last of the Macedonian or Basilian dynasty. I have hastily reviewed, and gladly dismiss, this shameful and destructive period of twenty-eight years, in which the Greeks, degraded below the common level of servitude, were transferred like a herd of cattle by the choice or caprice of two impotent females.

From this night of slavery, a ray of freedom, or at least of spirit, begins to emerge: the Greeks either preserved or revived the use of surnames, which perpetuate the fame of hereditary virtue: and we now discern the rise, succession, and alliances of the last dynasties of Constantinople and Trebizond. The *Comneni*, who upheld for a while the fate of the sinking empire, assumed the honor of a Roman origin: but the family had been long since transported from Italy to Asia. Their patrimonial estate was situate in the district of Castamona, in the neighborhood of the Euxine; and one of their chiefs, who had already entered the paths of ambition, revisited with affection, perhaps with regret, the modest though honorable dwelling of his fathers. The first of their line was the illustrious Manuel, who in the reign of the second Basil, contributed by war and treaty to appease the troubles of the East: he left, in a tender age, two sons, Isaac and John, whom, with the consciousness of desert, he bequeathed to the gratitude and favor of his sovereign. The noble youths were carefully trained in the learning of the monastery, the arts of the palace, and the exercises of the camp: and from the domestic service of the guards, they were rapidly promoted to the command of provinces and armies. Their fraternal union doubled the force and reputation of the Comneni, and their ancient nobility was illustrated by the marriage of the two brothers, with a captive princess of Bulgaria, and the daughter of a patrician, who had obtained

the name of *Charon* from the number of enemies whom he had sent to the infernal shades. The soldiers had served with reluctant loyalty a series of effeminate masters; the elevation of Michael the Sixth was a personal insult to the more deserving generals; and their discontent was inflamed by the parsimony of the emperor and the insolence of the eunuchs. They secretly assembled in the sanctuary of St. Sophia, and the votes of the military synod would have been unanimous in favor of the old and valiant Catacalon, if the patriotism or modesty of the veteran had not suggested the importance of birth as well as merit in the choice of a sovereign. Isaac Comnenus was approved by general consent, and the associates separated without delay to meet in the plains of Phrygia at the head of their respective squadrons and detachments. The cause of Michael was defended in a single battle by the mercenaries of the Imperial guard, who were aliens to the public interest, and animated only by a principle of honor and gratitude. After their defeat, the fears of the emperor solicited a treaty, which was almost accepted by the moderation of the Comnenian. But the former was betrayed by his ambassadors, and the latter was prevented by his friends. The solitary Michael submitted to the voice of the people; the patriarch annulled their oath of allegiance; and as he shaved the head of the royal monk, congratulated his beneficial exchange of temporal royalty for the kingdom of heaven; an exchange, however, which the priest, on his own account, would probably have declined. By the hands of the same patriarch, Isaac Comnenus was solemnly crowned; the sword which he inscribed on his coins might be an offensive symbol, if it implied his title by conquest; but this sword would have been drawn against the foreign and domestic enemies of the state. The decline of his health and vigor suspended the operation of active virtue; and the prospect of approaching death determined him to interpose some moments between life and eternity. But instead of leaving the empire as the marriage portion of his daughter, his reason and inclination concurred in the preference of his brother John, a soldier, a patriot, and the father of five sons, the future pillars of an hereditary succession. His first modest reluctance might be the natural dictates of discretion and tenderness, but his obstinate and successful perseverance, however it may dazzle with the show of virtue, must be censured as a criminal desertion of his duty, and a rare offence against his



family and country. The purple which he had refused was accepted by Constantine Ducas, a friend of the Comnenian house, and whose noble birth was adorned with the experience and reputation of civil policy. In the monastic habit, Isaac recovered his health, and survived two years his voluntary abdication. At the command of his abbot, he observed the rule of St. Basil, and executed the most servile offices of the convent: but his latent vanity was gratified by the frequent and respectful visits of the reigning monarch, who revered in his person the character of a benefactor and a saint.

If Constantine the Eleventh were indeed the subject most worthy of empire, we must pity the debasement of the age and nation in which he was chosen. In the labor of puerile declamations he sought, without obtaining, the crown of eloquence, more precious, in his opinion, than that of Rome; and in the subordinate functions of a judge, he forgot the duties of a sovereign and a warrior. Far from imitating the patriotic indifference of the authors of his greatness, Ducas was anxious only to secure, at the expense of the republic, the power and prosperity of his children. His three sons, Michael the Seventh, Andronicus the First, and Constantine the Twelfth, were invested, in a tender age, with the equal title of Augustus; and the succession was speedily opened by their father's death. His widow, Eudocia, was intrusted with the administration; but experience had taught the jealousy of the dying monarch to protect his sons from the danger of her second nuptials; and her solemn engagement, attested by the principal senators, was deposited in the hands of the patriarch. Before the end of seven months, the wants of Eudocia, or those of the state, called aloud for the male virtues of a soldier; and her heart had already chosen Romanus Diogenes, whom she raised from the scaffold to the throne. The discovery of a treasonable attempt had exposed him to the severity of the laws: his beauty and valor absolved him in the eyes of the empress; and Romanus, from a mild exile, was recalled on the second day to the command of the Oriental armies. Her royal choice was yet unknown to the public; and the promise which would have betrayed her falsehood and levity, was stolen by a dexterous emissary from the ambition of the patriarch. Xiphilin at first alleged the sanctity of oaths, and the sacred nature of a trust; but a whisper, that his brother was the future emperor, relaxed his scruples, and forced him to confess that the public safety was the supreme

which he balanced the interests and passions of the champions of the first crusade. In a long reign of thirty-seven years, he subdued and pardoned the envy of his equals: the laws of public and private order were restored: the arts of wealth and science were cultivated: the limits of the empire were enlarged in Europe and Asia; and the Comnenian sceptre was transmitted to his children of the third and fourth generation. Yet the difficulties of the times betrayed some defects in his character; and have exposed his memory to some just or ungenerous reproach. The reader may possibly smile at the lavish praise which his daughter so often bestows on a flying hero: the weakness or prudence of his situation might be mistaken for a want of personal courage; and his political arts are branded by the Latins with the names of deceit and dissimulation. The increase of the male and female branches of his family adorned the throne, and secured the succession; but their princely luxury and pride offended the patricians, exhausted the revenue, and insulted the misery of the people. Anna is a faithful witness that his happiness was destroyed, and his health was broken, by the cares of a public life; the patience of Constantinople was fatigued by the length and severity of his reign; and before Alexius expired, he had lost the love and reverence of his subjects. The clergy could not forgive his application of the sacred riches to the defence of the state; but they applauded his theological learning and ardent zeal for the orthodox faith, which he defended with his tongue, his pen, and his sword. His character was degraded by the superstition of the Greeks; and the same inconsistent principle of human nature enjoined the emperor to found a hospital for the poor and infirm, and to direct the execution of a heretic, who was burned alive in the square of St. Sophia. Even the sincerity of his moral and religious virtues was suspected by the persons who had passed their lives in his familiar confidence. In his last hours, when he was pressed by his wife Irene to alter the succession, he raised his head, and breathed a pious ejaculation on the vanity of this world. The indignant reply of the empress may be inscribed as an epitaph on his tomb, "You die, as you have lived—A HYPOCRITE!"

It was the wish of Irene to supplant the eldest of her surviving sons, in favor of her daughter the princess Anna, whose philosophy would not have refused the weight of a diadem. But the order of male succession was asserted by

the friends of their country; the lawful heir drew the royal signet from the finger of his insensible or conscious father and the empire obeyed the master of the palace. Anna Comnena was stimulated by ambition and revenge to conspire against the life of her brother, and when the design was prevented by the fears or scruples of her husband, she passionately exclaimed that nature had mistaken the two sexes, and had endowed Bryennius with the soul of a woman. The two sons of Alexius, John and Isaac, maintained the fraternal concord, the hereditary virtue of their race, and the younger brother was content with the title of *Sebastocrator*, which approached the dignity, without sharing the power, of the emperor. In the same person the claims of primogeniture and merit were fortunately united; his swarthy complexion, harsh features, and diminutive stature, had suggested the ironical surname of Calo-Johannes, or John the Handsome, which his grateful subjects more seriously applied to the beauties of his mind. After the discovery of her treason, the life and fortune of Anne were justly forfeited to the laws. Her life was spared by the clemency of the emperor; but he visited the pomp and treasures of her palace, and bestowed the rich confiscation on the most deserving of his friends. That respectable friend Axuch, a slave of Turkish extraction, presumed to decline the gift, and to intercede for the criminal: his generous master applauded and imitated the virtue of his favorite, and the reproach or complaint of an injured brother was the only chastisement of the guilty princess. After this example of clemency, the remainder of his reign was never disturbed by conspiracy or rebellion: feared by his nobles, beloved by his people, John was never reduced to the painful necessity of punishing, or even of pardoning, his personal enemies. During his government of twenty-five years, the penalty of death was abolished in the Roman empire, a law of mercy most delightful to the humane theorist, but of which the practice, in a large and vicious community, is seldom consistent with the public safety. Severe to himself, indulgent to others, chaste, frugal, abstemious, the philosophic Marcus would not have disdained the artless virtues of his successor, derived from his heart, and not borrowed from the schools. He despised and moderated the stately magnificence of the Byzantine court, so oppressive to the people, so contemptible to the eye of reason. Under such a prince, innocence had nothing to fear, and merit had every

single combat ; and the *gigantic* champions, who encountered his arm, were transpierced by the lance, or cut asunder by the sword, of the invincible Manuel. The story of his exploits, which appear as a model or a copy of the romances of chivalry, may induce a reasonable suspicion of the veracity of the Greeks : I will not, to vindicate their credit, endanger my own : yet I may observe, that, in the long series of their annals, Manuel is the only prince who has been the subject of similar exaggeration. With the valor of a soldier, he did not unite the skill or prudence of a general ; his victories were not productive of any permanent or useful conquest ; and his Turkish laurels were blasted in his last unfortunate campaign, in which he lost his army in the mountains of Pisidia, and owed his deliverance to the generosity of the sultan. But the most singular feature in the character of Manuel, is the contrast and vicissitude of labor and sloth, of hardiness and effeminacy. In war he seemed ignorant of peace, in peace he appeared incapable of war. In the field he slept in the sun or in the snow, tired in the longest marches the strength of his men and horses, and shared with a smile the abstinence or diet of the camp. No sooner did he return to Constantinople, than he resigned himself to the arts and pleasures of a life of luxury : the expense of his dress, his table, and his palace, surpassed the measure of his predecessors, and whole summer days were idly wasted in the delicious isles of the Propontis, in the incestuous love of his niece Theodora. The double cost of a warlike and dissolute prince exhausted the revenue, and multiplied the taxes ; and Manuel, in the distress of his last Turkish campaign, endured a bitter reproach from the mouth of a desperate soldier. As he quenched his thirst, he complained that the water of a fountain was mingled with Christian blood. "It is not the first time," exclaimed a voice from the crowd, "that you have drank, O emperor, the blood of your Christian subjects." Manuel Comnenus was twice married, to the virtuous Bertha or Irene of Germany, and to the beautiful Maria, a French or Latin princess of Antioch. The only daughter of his first wife was destined for Bela, a Hungarian prince, who was educated at Constantinople under the name of Alexius ; and the consummation of their nuptials might have transferred the Roman sceptre to a race of free and warlike Barbarians. But as soon as Maria of Antioch had given a son and heir to the empire, the presumptive rights of Bela were abolished, and he was deprived of his promised

bride; but the Hungarian prince resumed his name and the kingdom of his fathers, and displayed such virtues as might excite the regret and envy of the Greeks. The son of Maria was named Alexius; and at the age of ten years he ascended the Byzantine throne, after his father's decease had closed the glories of the Comnenian line.

The fraternal concord of the two sons of the great Alexius had been sometimes clouded by an opposition of interest and passion. By ambition, Isaac the Sebastocrator was excited to flight and rebellion, from whence he was reclaimed by the firmness and clemency of John the Handsome. The errors of Isaac, the father of the emperors of Trebizond, were short and venial; but John, the elder of his sons, renounced forever his religion. Provoked by a real or imaginary insult of his uncle, he escaped from the Roman to the Turkish camp: his apostasy was rewarded with the sultan's daughter, the title of Chelabi, or noble, and the inheritance of a princely estate; and in the fifteenth century, Mahomet the Second boasted of his Imperial descent from the Comnenian family. Andronicus, the younger brother of John, son of Isaac, and grandson of Alexius Comnenus, is one of the most conspicuous characters of the age; and his genuine adventures might form the subject of a very singular romance. To justify the choice of three ladies of royal birth, it is incumbent on me to observe, that their fortunate lover was cast in the best proportions of strength and beauty; and that the want of the softer graces was supplied by a manly countenance, a lofty stature, athletic muscles, and the air and deportment of a soldier. The preservation, in his old age, of health and vigor, was the reward of temperance and exercise. A piece of bread and a draught of water was often his sole and evening repast; and if he tasted of a wild boar or a stag, which he had roasted with his own hands, it was the well-earned fruit of a laborious chase. Dexterous in arms, he was ignorant of fear; his persuasive eloquence could bend to every situation and character of life, his style, though not his practice, was fashioned by the example of St. Paul; and, in every deed of mischief, he had a heart to resolve, a head to contrive, and a hand to execute. In his youth, after the death of the emperor John, he followed the retreat of the Roman army; but, in the march through Asia Minor, design or accident tempted him to wander in the mountains: the hunter was encompassed by the Turkish huntsmen, and he remained some time a reluctant or willing captive in

the power of the sultan. His virtues and vices recommended him to the favor of his cousin: he shared the perils and the pleasures of Manuel; and while the emperor lived in public incest with his niece Theodora, the affections of her sister Eudocia were seduced and enjoyed by Andronicus. Above the decencies of her sex and rank, she gloried in the name of his concubine; and both the palace and the camp could witness that she slept, or watched, in the arms of her lover. She accompanied him to his military command of Cilicia, the first scene of his valor and imprudence. He pressed, with active ardor, the siege of Mopsuestia: the day was employed in the boldest attacks; but the night was wasted in song and dance; and a band of Greek comedians formed the choicest part of his retinue. Andronicus was surprised by the sally of a vigilant foe; but, while his troops fled in disorder, his invincible lance transpierced the thickest ranks of the Armenians. On his return to the Imperial camp in Macedonia, he was received by Manuel with public smiles and a private reproof; but the duchies of Naissus, Braniseba, and Castoria, were the reward or consolation of the unsuccessful general. Eudocia still attended his motions: at midnight, their tent was suddenly attacked by her angry brothers, impatient to expiate her infamy in his blood: his daring spirit refused her advice, and the disguise of a female habit; and, boldly starting from his couch, he drew his sword, and cut his way through the numerous assassins. It was here that he first betrayed his ingratitude and treachery: he engaged in a treasonable correspondence with the king of Hungary and the German emperor; approached the royal tent at a suspicious hour with a drawn sword, and under the mask of a Latin soldier, avowed an intention of revenge against a mortal foe; and imprudently praised the fleetness of his horse as an instrument of flight and safety. The monarch dissembled his suspicions; but, after the close of the campaign, Andronicus was arrested and strictly confined in a tower of the palace of Constantinople.

In this prison he was left about twelve years; a most painful restraint, from which the thirst of action and pleasure perpetually urged him to escape. Alone and pensive, he perceived some broken bricks in a corner of the chamber, and gradually widened the passage, till he had explored a dark and forgotten recess. Into this hole he conveyed himself, and the remains of his provisions, replacing the bricks

in their former position, and erasing with care the footsteps of his retreat. At the hour of the customary visit, his guards were amazed by the silence and solitude of the prison, and reported, with shame and fear, his incomprehensible flight. The gates of the palace and city were instantly shut: the strictest orders were despatched into the provinces, for the recovery of the fugitive; and his wife, on the suspicion of a pious act, was basely imprisoned in the same tower. At the dead of night she beheld a spectre; she recognized her husband: they shared their provisions; and a son was the fruit of these stolen interviews, which alleviated the tediousness of their confinement. In the custody of a woman, the vigilance of the keepers was insensibly relaxed; and the captive had accomplished his real escape, when he was discovered, brought back to Constantinople, and loaded with a double chain. At length he found the moment, and the means, of his deliverance. A boy, his domestic servant, intoxicated the guards, and obtained in wax the impression of the keys. By the diligence of his friends, a similar key, with a bundle of ropes, was introduced into the prison, in the bottom of a hogshead. Andronicus employed, with industry and courage, the instruments of his safety, unlocked the doors, descended from the tower, concealed himself all day among the bushes, and scaled in the night the garden-wall of the palace. A boat was stationed for his reception: he visited his own house, embraced his children, cast away his chain, mounted a fleet horse, and directed his rapid course towards the banks of the Danube. At Anchialus in Thrace, an intrepid friend supplied him with horses and money: he passed the river, traversed with speed the desert of Moldavia and the Carpathian hills, and had almost reached the town of Halicz, in the Polish Russia, when he was intercepted by a party of Walachians, who resolved to convey their important captive to Constantinople. His presence of mind again extricated him from danger. Under the pretence of sickness, he dismounted in the night, and was allowed to step aside from the troop: he planted in the ground his long staff, clothed it with his cap and upper garment; and, stealing into the wood, left a phantom to amuse, for some time, the eyes of the Walachians. From Halicz he was honorably conducted to Kiow, the residence of the great duke: the subtle Greek soon obtained the esteem and confidence of Ieroslaus; his character could assume the manners of every climate; and

the Barbarians applauded his strength and courage in the chase of the elks and bears of the forest. In this northern region he deserved the forgiveness of Manuel, who solicited the Russian prince to join his arms in the invasion of Hungary. The influence of Andronicus achieved this important service: his private treaty was signed with a promise of fidelity on one side, and of oblivion on the other; and he marched, at the head of the Russian cavalry, from the Borysthènes to the Danube. In his resentment Manuel had ever sympathized with the martial and dissolute character of his cousin; and his free pardon was sealed in the assault of Zemlin, in which he was second, and second only, to the valor of the emperor.

No sooner was the exile restored to freedom and his country, than his ambition revived, at first to his own, and at length to the public, misfortune. A daughter of Manuel was a feeble bar to the succession of the more deserving males of the Comnenian blood; her future marriage with the prince of Hungary was repugnant to the hopes or prejudices of the princes and nobles. But when an oath of allegiance was required to the presumptive heir, Andronicus alone asserted the honor of the Roman name, declined the unlawful engagement, and boldly protested against the adoption of a stranger. His patriotism was offensive to the emperor, but he spoke the sentiments of the people, and was removed from the royal presence by an honorable banishment, a second command of the Cilician frontier, with the absolute disposal of the revenues of Cyprus. In this station the Armenians again exercised his courage and exposed his negligence; and the same rebel, who baffled all his operations, was unhorsed, and almost slain by the vigor of his lance. But Andronicus soon discovered a more easy and pleasing conquest, the beautiful Philippa, sister of the empress Maria, and daughter of Raymond of Poitou, the Latin prince of Antioch. For her sake he deserted his station, and wasted the summer in balls and tournaments: to his love she sacrificed her innocence, her reputation, and the offer of an advantageous marriage. But the resentment of Manuel for this domestic affront interrupted his pleasures: Andronicus left the indiscreet princess to weep and to repent; and, with a band of desperate adventurers, undertook the pilgrimage of Jerusalem. His birth, his martial renown, and professions of zeal, announced him as the champion of the Cross: he soon captivated both the clergy



and the king; and the Greek prince was invested with the lordship of Berytus, on the coast of Phœnicia. In his neighborhood resided a young and handsome queen, of his own nation and family, great-granddaughter of the emperor Alexis, and widow of Baldwin the Third, king of Jerusalem. She visited and loved her kinsman. Theodora was the third victim of his amorous seduction; and her shame was more public and scandalous than that of her predecessors. The emperor still thirsted for revenge; and his subjects and allies of the Syrian frontier were repeatedly pressed to seize the person, and put out the eyes, of the fugitive. In Palestine he was no longer safe; but the tender Theodora revealed his danger, and accompanied his flight. The queen of Jerusalem was exposed to the East, his obsequious concubine; and two illegitimate children were the living monuments of her weakness. Damascus was his first refuge; and, in the characters of the great Nouredin and his servant Saladin, the superstitious Greek might learn to revere the virtues of the Mussulmans. As the friend of Nouredin he visited, most probably, Bagdad, and the courts of Persia; and, after a long circuit round the Caspian Sea and the mountains of Georgia, he finally settled among the Turks of Asia Minor, the hereditary enemies of his country. The sultan of Colonia afforded a hospitable retreat to Andronicus, his mistress, and his band of outlaws: the debt of gratitude was paid by frequent inroads in the Roman province of Trebizond; and he seldom returned without an ample harvest of spoil and of Christian captives. In the story of his adventures, he was fond of comparing himself to David, who escaped, by a long exile, the snares of the wicked. But the royal prophet (he presumed to add) was content to lurk on the borders of Judæa, to slay an Amalekite, and to threaten, in his miserable state, the life of the avaricious Nabal. The excursions of the Comenian prince had a wider range; and he had spread over the Eastern world the glory of his name and religion. By a sentence of the Greek church, the licentious rover had been separated from the faithful; but even this excommunication may prove, that he never abjured the profession of Christianity.

His vigilance had eluded or repelled the open and secret persecution of the emperor; but he was at length insnared by the captivity of his female companion. The governor of Trebizond succeeded in his attempt to surprise the person of

Theodora, the queen of Jerusalem and her two children were sent to Constantinople, and their loss imbibed the tedious solitude of banishment. The fugitive implored and obtained a final pardon, with leave to throw himself at the feet of his sovereign, who was satisfied with the submission of this haughty spirit. Prostrate on the ground, he deplored with tears and groans the guilt of his past rebellion; nor would he presume to arise, unless some faithful subject would drag him to the foot of the throne, by an iron chain with which he had secretly encircled his neck. This extraordinary penance excited the wonder and pity of the assembly; his sins were forgiven by the church and state; but the just suspicion of Manuel fixed his residence at a distance from the court, at Oenoe, a town of Pontus, surrounded with rich vineyards, and situate on the coast of the Euxine. The death of Manuel, and the disorders of the minority, soon opened the fairest field to his ambition. The emperor was a boy of twelve or fourteen years of age, without vigor, or wisdom, or experience: his mother, the empress Mary, abandoned her person and government to a favorite of the Comnenian name; and his sister, another Mary, whose husband, an Italian, was decorated with the title of Cæsar, excited a conspiracy, and at length an insurrection, against her odious step-mother. The provinces were forgotten, the capital was in flames, and a century of peace and order was overthrown in the vice and weakness of a few months. A civil war was kindled in Constantinople; the two factions fought a bloody battle in the square of the palace, and the rebels sustained a regular siege in the cathedral of St. Sophia. The patriarch labored with honest zeal to heal the wounds of the republic, the most respectable patriots called aloud for a guardian and avenger, and every tongue repeated the praise of the talents and even the virtues of Andronicus. In his retirement, he affected to revolve the solemn duties of his oath: "If the safety or honor of the Imperial family be threatened, I will reveal and oppose the mischief to the utmost of my power." His correspondence with the patriarch and patricians was seasoned with apt quotations from the Psalms of David and the epistles of St. Paul; and he patiently waited till he was called to her deliverance by the voice of his country. In his march from Oenoe to Constantinople, his slender train insensibly swelled to a crowd and an army: his professions of religion and loyalty were mistaken for the language of his heart; and the

simplicity of a foreign dress, which showed to advantage his majestic stature, displayed a lively image of his poverty and exile. All opposition sunk before him; he reached the straits of the Thracian Bosphorus; the Byzantine navy sailed from the harbor to receive and transport the savior of the empire: the torrent was loud and irresistible, and the insects who had basked in the sunshine of royal favor disappeared at the blast of the storm. It was the first care of Andronicus to occupy the palace, to salute the emperor, to confine his mother, to punish her minister, and to restore the public order and tranquillity. He then visited the sepulchre of Manuel: the spectators were ordered to stand aloof, but as he bowed in the attitude of prayer, they heard, or thought they heard, a murmur of triumph or revenge: "I no longer fear thee, my old enemy, who hast driven me a vagabond to every climate of the earth. Thou art safely deposited under a seven-fold dome, from whence thou canst never arise till the signal of the last trumpet. It is now my turn, and speedily will I trample on thy ashes and thy posterity." From his subsequent tyranny we may impute such feelings to the man and the moment; but it is not extremely probable that he gave an articulate sound to his secret thoughts. In the first months of his administration, his designs were veiled by a fair semblance of hypocrisy, which could delude only the eyes of the multitude; the coronation of Alexius was performed with due solemnity, and his perfidious guardian, holding in his hands the body and blood of Christ, most fervently declared that he lived, and was ready to die, for the service of his beloved pupil. But his numerous adherents were instructed to maintain, that the sinking empire must perish in the hands of a child, that the Romans could only be saved by a veteran prince, bold in arms, skilful in policy, and taught to reign by the long experience of fortune and mankind; and that it was the duty of every citizen to force the reluctant modesty of Andronicus to undertake the burden of the public care. The young emperor was himself constrained to join his voice to the general acclamation, and to solicit the association of a colleague, who instantly degraded him from the supreme rank, secluded his person, and verified the rash declaration of the patriarch, that Alexius might be considered as dead, so soon as he was committed to the custody of his guardian. But his death was preceded by the imprisonment and execution of his mother. After blackening her reputation, and

inflaming against her the passions of the multitude, the tyrant accused and tried the empress for a treasonable correspondence with the king of Hungary. His own son, a youth of honor and humanity, avowed his abhorrence of this flagitious act, and three of the judges had the merit of preferring their conscience to their safety : but the obsequious tribunal, without requiring any reproof, or hearing any defence, condemned the widow of Manuel ; and her unfortunate son subscribed the sentence of her death. Maria was strangled, her corpse was buried in the sea, and her memory was wounded by the insult most offensive to female vanity, a false and ugly representation of her beauteous form. The fate of her son was not long deferred : he was strangled with a bowstring ; and the tyrant, insensible to pity or remorse, after surveying the body of the innocent youth, struck it rudely with his foot : "Thy father," he cried, "was a *knave*, thy mother a *whore*, and thyself a *fool* !"

The Roman sceptre, the reward of his crimes, was held by Andronicus about three years and a half as the guardian or sovereign of the empire. His government exhibited a singular contrast of vice and virtue. When he listened to his passions, he was the scourge ; when he consulted his reason, the father, of his people. In the exercise of private justice, he was equitable and rigorous : a shameful and pernicious venality was abolished, and the offices were filled with the most deserving candidates, by a prince who had sense to choose, and severity to punish. He prohibited the inhuman practice of pillaging the goods and persons of shipwrecked mariners ; the provinces, so long the objects of oppression or neglect, revived in prosperity and plenty ; and millions applauded the distant blessings of his reign, while he was cursed by the witnesses of his daily cruelties. The ancient proverb, That bloodthirsty is the man who returns from banishment to power, had been applied, with too much truth, to Marius and Tiberius ; and was now verified for the third time in the life of Andronicus. His memory was stored with a black list of the enemies and rivals, who had traduced his merit, opposed his greatness, or insulted his misfortunes ; and the only comfort of his exile was the sacred hope and promise of revenge. The necessary extinction of the young emperor and his mother imposed the fatal obligation of extirpating the friends, who hated, and might punish, the assassin ; and the repetition of murder rendered him less willing, and less

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